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THESIS

**SECURITY SECTOR REFORM AND THE SERBIAN
CONUNDRUM: ARE SECURITY SECTOR REFORM
EFFORTS BRINGING SERBIA CLOSER TO EUROPEAN
UNION AND NORTH ATLANTIC TREATY ORGANIZATION
INTEGRATION?**

by

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EUROPEAN UNION AND NORTH ATLANTIC TREATY ORGANIZATION
INTEGRATION?**

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ABSTRACT

The NATO intervention in the wars in the former Yugoslavia from 1991 to 1999 illustrated the importance of South Eastern Europe to Atlantic security. In 2005, certain of the southern Slav nations have gained NATO and EU membership, as in the case of Slovenia, or have drawn ever closer to qualifying for membership, as in the case of Croatia and Bulgaria. However, Serbia and Montenegro and Bosnia and Herzegovina have proved more difficult to draw into the European fold due to the lingering effects of the wars in Bosnia and Kosovo.

This thesis explores Serbia's ongoing attempts to integrate into EU and NATO structures. It begins with the background of the situation in Serbia of 2005 with a focus on the historical leadership, management, and missions of the security sector. It then examines the development and objectives of the security sector reform agenda and the challenges facing its practitioners. Additionally, this thesis analyses the impact of the International Tribunal for the Former Yugoslavia, Kosovo final status disposition, and the chaotic domestic political situation on Serbian reform efforts.

This thesis argues that, as a result of political and social circumstances unique to Serbia as well as the institutional shortcomings of the West as concerns comprehensive democratic reform of power and arms, the ongoing SSR efforts in Serbia will take several years to come to fruition.

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LIST OF ABBREVIATIONS AND ACRONYMS

BBC	British Broadcasting Corporation
BICC	Bonn International Conversion Center
BiH	Bosnia and Herzegovina
CIA	Central Intelligence Agency
CPY	Communist Party of Yugoslavia
CTF	Consultative Task Force
DB	State Security Service
DCAF	Geneva Center for the Democratic Control of Armed Forces
DoD	Department of Defense
DOS	Democratic Opposition of Serbia
DPS	Democratic Party of Socialists of Montenegro
DS	Democratic Party
DSS	Democratic Party of Serbia
EU	European Union
EUCOM	European Command
RFE/RL	Radio Free Europe / Radio Liberty
FRY	Federal Republic of Yugoslavia
GDP	Gross Domestic Product
HVO	Croatian Defense Force
ICTY	International Tribunal for the Former Yugoslavia
IMF	International Monetary Fund
IT	International Tribunal
ICG	International Crisis Group
JNA	Yugoslav National Army
JV	Yugoslav Army
LCY	League of Communists of Yugoslavia
MAP	Membership Action Plan
MUP	Ministry of Internal Affairs
NATO	North Atlantic Treaty Organization
NDH	Nezavisna Drzava Hrvatska (Independent State of Croatia)
OSCE	Organization for Security and Cooperation in Europe
OZN	Department for the Protection of the People
PfP	Partnership for Peace
PM	Prime Minister
RDB	State Security Division
RRF	Rapid Reaction Force
SAA	Stabilization and Association Agreement
Sap	Stabilization and Association Process
SDB	Service for State Security
SACEUR	Supreme Allied Commander Europe
SEECAP	South East Europe Common Assessment Paper

SEED	Support for East European Democracy
SEEGROUP	South East Europe Security Cooperation Steering Group
SEEI	South East Europe Initiative
SNPCG	People's Socialist Party of Montenegro
SPO/NS	Serbian Renewal Movement / New Serbia
SRS	Serbian Radical Party
SSR	Security Sector Reform
UDB	Directorate for State Security
UNDP	United Nations Development Program
UNMIK	United Nations Mission in Kosovo
USAFE	United States Air Forces Europe
USEUCOM	United States European Command
VSCG	Armed Forces of Serbia and Montenegro

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I. INTRODUCTION

As Communism declined in the late 1980s, Yugoslavia was, in many ways, better placed than any other communist state to make the transition to multi-party democracy, either as a single state, or as a group of successor states. There was a real chance for Yugoslavia to take its place in a new and, at that time, hopeful community of European nations.¹

A. PURPOSE AND SIGNIFICANCE

1. Introduction

In 1995, the North Atlantic Treaty Organization (NATO), saw the conflict in Bosnia and Herzegovina (BiH) as a threat to European security and intervened with force. In May of 1995 NATO conducted limited air strikes against Serb targets in BiH, in June a NATO Rapid Reaction Force (RRF) was deployed to Bosnia, and on 30 August 1995 NATO launched Operation DELIBERATE FORCE.² NATO efforts in BiH ended the fighting in BiH and led to the signing of the Dayton Peace Accords in December 1995.³ Events in the Balkans were again in the forefront of NATO policy in 1999. In March, NATO went to war, for the first time, against Yugoslavia -- the republics of Serbia and Montenegro were all that was left of Yugoslavia, thus the war was in reality a war against Serbia.⁴ NATO's military efforts in the Balkans were to stop the worst ethnically motivated killing in Europe since the Second World War, but were also to prevent the spread of instability in Southeast Europe to other parts of the continent, especially into NATO member countries Greece and Turkey.⁵

After hostilities ended, the European Union (EU), the United States and NATO established ties with Yugoslavia as soon as possible. Slobodan Milosevic's removal from power enabled NATO to welcome Yugoslavia into the South East Europe Initiatives (SEEI) and associated programs (2001). In addition, the EU launched the European

¹ Laura Silber and Allan Little., *Yugoslavia Death of a Nation*. (New York, NY: Penguin Books, 1996), 26.

² Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, D.C.: Brookings Institute Press , 2000), xv-xviii.

³ Ibid, 137.

⁴ Ivo H. Daalder and Michael E. O'Hanlon., *Winning Ugly, NATO's War to Save Kosovo*. (Washington, D.C.: Brookings Institute Press , 2000).

⁵ Ibid, p. 1 and Craig R. Nation, *War in the Balkans 1991-2002* (Strategic Studies Institute, August 2003), 229-230.

Union-Federal Republic of Yugoslavia Consultative Task Force (EU-FRY CTF) (also in 2001), and the US extended Support for East European Democracy (SEED) funds to the country in 2002.⁶ The aftermath of NATO's operations in the former Yugoslavia has been an effort by the Alliance and the European Union (EU) to bring stability, not only to the countries that once comprised up Yugoslavia, but to the entire region.

Instability in the western and central Balkans has the potential in 2005 and beyond, once more, to intensify a source of turmoil that has long plagued Europe. The historical conflicts in this area of Europe have evolved into present-day concerns over democratic transition, military reform, and ethnic conflict, along with many other issues. The EU and the US must comprehend and surmount the obstacles to Serbia's integration into Europe, encourage its efforts at necessary reforms, and provide appropriate support for those efforts. U.S. policymakers are currently grappling with the issue of how to encourage Serbian reform, which will guarantee peace and stability in the Balkan region for the foreseeable future. Any progress made in bringing Serbia closer to EU and NATO structures and in their adopting the values of these organizations will strengthen the possibility for peace and stability.

When former Communist countries are examined by policy makers and scholars with an eye to democratic reform, the armed forces and interior ministries are usually key areas for change. In most, if not all of the former communist countries, some of the most blatant abuses and anti-democratic activities occurred in these sectors. They are also two of the most difficult areas to reform. One of the ways the NATO allies and the EU stabilized and democratized the former communist countries of Eastern Europe has been by reforming the security sector in these nations. As the former communist countries of Eastern Europe began to express their desire to join NATO and other "western" structures operating in Europe, the academic study of Security Sector Reform (SSR) developed. This field of study was driven by the need to establish requirements and methods for reform and western integration.

⁶ NATO Fact Sheets, South East Europe Initiative, <http://www.nato.int/docu/facts/2001/seei.htm>, accessed 24 October 2005; Europa, European Union, Enlargement, EU-Serbia and Montenegro Relations, http://europa.eu.int/comm/enlargement/serbia_montenegro/serbia_montenegro_eu_relations.htm, accessed 3 December 2005; US State Department Website, FY02 SEED ACT Report, <http://www.state.gov/p/eur/rls/rpt/23582.htm>, accessed 30 October 2005.

2. Purpose

This study examines the SSR process developed and used by international organizations and analyzes how it has impacted Serbia's efforts to integrate into EU and NATO structures. This thesis examines the roots of Serbia's deeply flawed security sector, analyzes existing programs for security sector reform, and determines if Serbia is making progress toward EU and NATO integration through its application of SSR theories and practice. Furthermore, this thesis analyzes additional issues that impact Serbia's ability and commitment to reform.

This thesis focuses on the security sector reforms undertaken by Serbia since 2000 in its effort to integrate into EU and NATO structures. It specifically focuses on ongoing efforts to complete the Stabilization and Association process (SAP), conclude a Stabilization and Association Agreement (SAA), and gain entry into NATO's "Partnership for Peace" (PfP) program.

The purpose of this thesis is to demonstrate that current SSR efforts in Serbia are not bringing the country closer to its stated goal of EU and NATO integration. There are three reasons for this. First, there are unique roots to the Serbian problem that continue to persist despite both internal and external reform efforts. Second, international SSR efforts are unfocused and ineffective. And finally, the issues of Kosovo's final status, lack of national support for the International Criminal Tribunal for the Former Yugoslavia, and domestic political fragmentation all interfere with Serbia's ability to focus on and make progress in reform.

3. Significance

In September 2004, the United States European Command (USEUCOM) Joint Analysis Center provided the Naval Postgraduate School with a list of research topics for NPS students to pursue.⁷ Also, General James Jones, the EUCOM Commander and Supreme Allied Commander Europe (SACEUR) expressed the goal of "gradual integration into the Partnership for Peace Program" for Serbia and Montenegro in comments about the increasing importance of the Balkan region to the United States and

⁷ United States European Command Joint Analysis Center, Memorandum for Commander, Naval Post-Graduate School, 1 September 2004.

NATO.⁸ This thesis speaks directly to the importance of Serbia to Euro-Atlantic institutions and the country's efforts to implement democratic reform.

B. ARGUMENTS AND MAJOR QUESTIONS

The major question this thesis examines is, Can Serbia overcome its history of conflict and instability and make significant progress toward EU and NATO membership by meeting the requirements for a Stabilization and Association Agreement and membership in PfP through security sector reform? Other questions include: How did Serbia come to be in its current state of political and institutional dysfunction? What are the ongoing efforts by Serbia and the international community to bring about Security Sector Reform? What are the other main challenges facing Serbia in its effort to integrate into western institutions? And what are the prospects for successful reform in Serbia?

This study argues that Serbia currently lacks a sufficient amount of public and political commitment to meet the reform requirements necessary for European integration and will not achieve integration in the near future (i.e., the next five years). It will take a significant amount of time to build the public and political will and the ability to accomplish the necessary reforms due to the lack of a functioning democracy. In addition, Serbia must initiate significant and fundamental cultural changes in its value system. Finally the ordinary Serbian citizen as well as powerful politicians and criminals, must make extreme sacrifices.

The topic of the Yugoslav state and its history has been popular since the 1960s. Initially, Yugoslavia was a topic of interest because of its break with the Soviet Union and its subsequent leadership of the non-aligned movement. Josip Broz Tito's ability to survive Josef Stalin's displeasure was of great interest to scholars of the Soviet bloc.

The later explosion of literature on Yugoslavia came as a result of the collapse of the state and the devastating wars that followed. Most of this literature was produced in the mid to late 1990s. John Lampe, Pedro Ramet, Tim Judah, Christopher Bennett and Leslie Benson provide a detailed background for the events of the 1990s.⁹ Their

⁸ The Center for Southeast European Studies (CSEES), "General James Jones Describes US European Command Transformation: Southeastern Europe A Major Consideration," *CSEES Analysis*, http://www.csees.net/?page=analyses&a_id=48. Accessed 30 October 2005.

⁹ John R. Lampe, *Yugoslavia as History: Twice There Was a Country* (Cambridge, Great Britain: Cambridge University Press, 2000); Pedro Ramet, ed. *Yugoslavia in the 1980s* (Boulder and London: Westview Press, 1985); Tim

accounts demonstrate the complex issues plaguing the Yugoslav state from its inception until the emergence of Slobodan Milosevic in Serbia. The personal accounts of Warren Zimmerman, the last American ambassador in Belgrade, provide details of the final years, and months before war erupted in 1991.¹⁰ Laura Silber and Alan Little, as well as Judah, Zimmerman, Ivo Daalder, and Daalder and Michael O'Hanlon, provide accounts of the conflicts that engulfed Yugoslavia in the 1990s.¹¹

The process of security sector reform for Eastern European nations desiring to join NATO and the EU has been chronicled by Jeffrey Simon and Marybeth Peterson Ulrich as well as many scholars contributing to publications for the Geneva Center for Democratic Control of Armed Forces, the Bonn International Center for Conversion, Journal of Security Sector Management, and the Organization for Economic Cooperation and Development. These secondary sources include a wealth of information on necessary measures, methods for achieving successful reform of the security sector and impediments to such reform. These writings cover developments within particular countries in the political and security sector arenas. To a large extent, events in the political arena determine what will happen in all other areas of the country. The impetus for change either emanates from within the political system that houses the security sector or emanates from the citizens of a nation (if they are organized and well led well).

Certain of the scholars writing about security sector reform focus on the shortcomings in the effort to implement the concepts and agenda. Ulrich, in her analysis of defense reform in the Czech Republic and Russia, contends that there have been too many programs and not enough coordination to capitalize on opportunities for needed reform.¹² The underdevelopment of the SSR concept is also the focus of Jane Chanaa's

Judah, *Kosovo: War and Revenge* (New Haven and London: Yale Nota Bene, Yale University Press, 2002); Christopher Bennett, *Yugoslavia's Bloody Collapse—Causes, Course and Consequences* (Washington Square, New York: New York University Press, 1995); Leslie Benson, *Yugoslavia, A Concise History* (Great Britain: Palgrave Macmillan, 2004).

¹⁰ Warren Zimmerman, *Origins of a Catastrophe: Yugoslavia and Its Destroyers* (New York: Times Books, Random House, 1996).

¹¹ Tim Judah, *Kosovo: War and Revenge*; Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy*; Ivo H. Daalder and Michael E. O'Hanlon *Winning Ugly: NATO's War to Save Kosovo*.

¹² Marybeth Peterson Ulrich, *Democratizing Communist Militaries: The Cases of the Czech and Russian Armed Forces* (Michigan: University of Michigan Press, 2000).

work.¹³ Heiner Hanggi also agrees that the practitioners fail to coordinate SSR and build a common model.¹⁴ All of these authors seem to agree that although the concept of security sector reform is important and necessary, the international SSR efforts, so far, have failed to consolidate working models. This segment of the literature also defines security sector reform, clarifies what reform programs might encompass, and catalogues expected outcomes of successful programs.

Serbia's progress in reforming since the October, 2000 ousting of Slobodan Milosevic by the Democratic Opposition of Serbia (DOS) is the subject of several primary source accounts. From 2002 to 2004, the European Union published annual Stabilization and Association Reports for Yugoslavia/Serbia and Montenegro.¹⁵ The reports were produced as part of the process of Serbia and Montenegro, either as one state entity or as independent states, forging closer association with the EU with the goal of eventual EU membership.

The Congressional Research Service (Library of Congress) publishes several reports annually on the current situation in Serbia and Montenegro and U.S. policy regarding the state union. The International Crisis Group, the United States Institute of Peace, the U.S. State Department, the Conflict Studies Research Centre, and the International Institute for Strategic Studies have all published reports illuminating reform developments in Serbia's political, defense, and security sectors. The overriding theme of these reports is Serbia's almost complete lack of progress, mainly due to political infighting, corruption, and a lack of institutional knowledge.

C. OVERVIEW

Chapter II begins with an overview of Yugoslav history from the Second World War to the initiation of hostilities in the early 1990s and mainly focuses on the organizational and political legacy of the armed forces and police services. Examining

¹³ Jane Chanaa, *Security Sector Reform: Issues, Challenges and Prospects* (New York, NY: Oxford University Press, 2002).

¹⁴ Alan Bryden and Heiner Hanggi, eds., *Reform and Reconstruction of the Security Sector* (New Brunswick: Transaction Publishers, 2004).

¹⁵ Commission of the European Communities, Commission Staff Working Paper. Federal Republic of Yugoslavia Stabilization and Association Report. 2002; Commission of the European Communities, Commission Staff Working Paper, Serbia and Montenegro Stabilization and Association Report, 2003; Commission of the European Communities, Commission Staff Working Paper. Serbia and Montenegro Stabilization and Association Report. 2004.

the foundation of the security sector components in Serbia and Montenegro facilitates a better understanding and evaluation of the current situation.

Chapter III examines the SSR literature and establishes expected behavior and expected outcomes related to SSR activities. The goals of SSR are outlined. This is followed by an explanation of the methods for achieving those goals, common pitfalls and challenges, and the expected evolution of SSR efforts. Next, national and international SSR efforts in Serbia and Montenegro are examined. Finally, Serbia and Montenegro's SSR progress from 2001 to 2005 is evaluated.

Chapter IV outlines additional challenges Serbia and Montenegro face in addition to the need to reform the security sector. The issues of The International Criminal Tribunal for the Former Yugoslavia (ICTY), Kosovo's final status, and domestic political instability all impact developments in the security sector, and in turn are also impacted by these developments.

The conclusion summarizes the findings in the three main chapters to show how they support the thesis that Serbia, while making some progress toward commitment to reform, is still many years away from meeting the requirements for NATO and EU integration.

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II. BACKGROUND OF SITUATION IN SERBIA, 1944 TO 2005

A. FROM 1945 TO THE DEATH OF JOSIP BROZ TITO

1. Introduction

The Socialist Federal Republic of Yugoslavia emerged after World War II as an independent, communist state with Josip Broz Tito as its head. Tito quickly consolidated his power and took steps to divide the country so that no one national group, especially the Serbs, could dominate the federation. The federation eventually consisted of six republics—Serbia, Croatia, Montenegro, Macedonia, Bosnia Herzegovina and Slovenia—and two autonomous regions within Serbia—Vojvodina and Kosovo. Tito eliminated all sources of opposition to his power by accusing opponents of wartime collaboration.¹⁶ Tito's employed the Stalinist tactic of eliminating "enemies of the state" in order to consolidate his hold on power.

The 25 years were spent establishing Yugoslavia's place in the communist and wider world. This was especially necessary after the 1948 split with the Soviet Union and the less than optimal functioning of the economy, which was intensified by a Soviet bloc trade embargo.¹⁷ By the 1960's, Yugoslavia settled into the role of leader of the unaligned movement and became a country which, in its quasi-liberal economic policies, limited freedoms, and partial openness, appeared to be somewhere between the east and west.¹⁸ Yugoslavia was a communist country with no ties to the main pro-Soviet governments in the world and no desire to become a western-style democracy. After Tito's break with the Soviet Union, Yugoslavia became a purchaser of American armament and concluded a security agreement with NATO in 1953.¹⁹ The country also received significant aid from the west, especially France, Great Britain, and the United States during the years of economic hardship and food shortages during the early 1950s.²⁰ The U.S. continued to be a major source of aid and loans until the 1980s.

¹⁶ Glenn E. Curtis, ed. *Yugoslavia: A Country Study*, (Federal Research Division, Library of Congress), 44.

¹⁷ Ibid, 47.

¹⁸ Ibid, 48, 50. The Yugoslav regime, "relaxed its religious restrictions, allowed for a degree of public criticism, curbed abuses of privileges by party officials, and reduced the powers of the secret police."

¹⁹ Ibid, 47.

²⁰ Lampe, 253.

As regards Yugoslavia's history from 1945 to 1980, three particular issues significantly impacted the events of the 1990s and the current state of affairs in Serbia. The three issues were a) the rise of ethnic tensions and nationalism; b) the state of the Yugoslav economy; c) the 1974 constitution and the domestic political path it established for Yugoslavia. Each of these issues played a role in the violent collapse of Yugoslavia. Examining these factors reveals that the events of the 1990s were a direct result of choices made by Tito and the Yugoslav communist party.

2. The Rise of Nationalism and Ethnic Divisions

From 1941 to 1944, Yugoslavia was host to both a world war and a civil war. During the civil war, the fascist government of the Independent State of Croatia (*Nezavisna Drzava Hrvatska*, NDH), killed thousands of Jews, Gypsies, and Serbs and forced the religious conversion of Serbs and Muslims. Chetniks, a mostly Serbian group, killed Partisans, a group comprised of all of Yugoslavia's ethnic communities. In a situation that Misha Glenny described as "fratricide," widespread killing took place and usually pitted individuals from one ethnic group against members of a different ethnic group. Most of the killing was based on political and ideological differences; however, ethnic overtones also existed. Tragically, all of Yugoslavia's constituent ethnicities perpetrated atrocities.

After the war, the government made no attempts to investigate, try, or punish those who might have been guilty of atrocities. There was no attempt at "Truth and Reconciliation," and there was no lustration. Instead, those who were "tried," and in many cases executed, suffered that fate because they were deemed "enemies of the state." Perhaps the task of uncovering the truth was too daunting a task. Perhaps Josip Tito did not want to address the issue because he too was guilty of what would be considered war crimes. In any case, the history of inter-Yugoslav atrocities was officially suppressed.²¹ Unfortunately, among individual Yugoslavs in a majority of the republics, these atrocities were neither forgotten nor forgiven and the horrors of this earlier period would return to destroy the "brotherhood and unity" Tito struggled to create.

²¹ Misha Glenny, *The Balkans: Nationalism, War and the Great Powers, 1804-1999* (New York: Viking, 2000), 545.

Beginning in the late 1960s, Yugoslavia saw the open reemergence of ethnic tension and nationalism. Economic troubles pushed ethnic divisions to the fore as the more affluent republics to the north objected to having to subsidize the southern republics. The divisions Tito had managed to squelch following the Second World War began to surface again. Economic hardship caused intra-republic tension, and a loosening of repression allowed dissidents to air their grievances. Although protests in Croatia and Slovenia tended to be of the written and spoken variety, among Yugoslavia's Albanians the dissidence took the form of demonstrations that were often large and violent.²² In retrospect, these upheavals of the late 1960s and early 1970s were the beginning of Yugoslavia's demise. In addition, ongoing political decentralization would corrode the country's unity and the government's ability to exert control of the country. The structural changes in the government were implemented via constitutional amendments and eventually a new constitution.²³

Along with the violent demonstrations in Kosovo, the government had to contend with the Croatian Spring in the wake of the Czechoslovak prototype ca. 1971. Intellectuals in Croatia began to voice their displeasure over the subordination of the Croatian language, the large part of the federal budget burden borne by Croatia, and the perceived predominance of Serbs within the federation.²⁴ Street demonstrations soon appeared in Croatia along with calls for even greater autonomy than granted by previous constitutional amendments. Tito dealt with this apparent break in the country's unity by reestablishing the preeminence of the League of Communists of Yugoslavia (LCY) and purging dissenters from governmental posts. However, Croatia's historical lack of faith in the Yugoslav idea and the predilection of the Serbs to dominate Yugoslavia continued. The Croat and Slovene viewpoint that their more prosperous republics were being drained of resources in order to subsidize the poorer regions of the country created resentment and fueled separatism.

²² Yugoslavia: A Country Study, 53.

²³ Ibid.

²⁴ Ibid.

3. The 1974 Constitution

From 1945 to 1991, Yugoslavia had a total of four constitutions (1946, 1953, 1963, and 1974) with a host of amendments to each constitution.²⁵ These documents tended to be verbose and laid out complicated formulas for the operation of the government. According to Yugoslav historian John Lampe, one of the reasons for the rewrite, which eventually became the 1974 Constitution, was the “mind-boggling complexity” of previous constitutional arrangements.²⁶ William Bennett described the constitution as being “absurd in length ... virtually untranslatable and largely nonsensical.”²⁷ The 1974 constitution was primarily drafted under the direction of Tito and Edvard Kardelj. Yugoslavia’s four constitutions were drafted by Kardelj, a man whom Lampe describes as, “Tito’s Slovenian ideologue.”²⁸

Besides simplifying the workings of the government, the 1974 constitution was written with Tito’s age in mind and intended to preserve a peaceful and united Yugoslavia after his death. It was an attempt to stem the liberal tide that had characterized Yugoslav socialism, to make the Albanians of Kosovo feel as if they were an equal and respected part of the country, and to curtail actual and potential nationalist and separatist movements by relinquishing more control and autonomy to the republics.²⁹

In order to halt the spread of liberalism, the constitution created an electoral system that excluded the forward looking and successful Yugoslavs whose communist credentials were questionable, in favor of less capable party hacks.³⁰ This, along with a purge conducted in 1971, put communist ideologues in control of the party and government.

The autonomy granted to Kosovo and Vojvodina was principally aimed at co-opting the Albanians in Kosovo and quelling the unrest that had begun in the region in

²⁵ Lampe, 312.

²⁶ Ibid.

²⁷ Bennett, Christopher, *Yugoslavia’s Bloody Collapse—Causes, Course and Consequences*, (Washington Square, New York: New York University Press, 1995), 74.

²⁸ Lampe, 3, 234.

²⁹ Bennett, 70-77.

³⁰ Ibid, 72.

1968. Yugoslavia's Albanians lived in appalling conditions. They had the lowest literacy and highest poverty rates in the country. From the beginning of communist rule in Yugoslavia, they were subject to constant repression and a lack of rights and opportunities.³¹ Tito hoped the 1974 constitution would create a more peaceful relationship with the Albanians and bring them into "mainstream" Yugoslavia.

The constitution also devolved additional control down to the republic level. As with the Kosovo related constitutional changes, this was aimed at creating stability and addressing "local" concerns. Tito hoped to eliminate the Croatian separatist movement as a source of conflict and division in the federation. Along with devolving more power to the republics, Tito had previously purged the Croatian League of Communists in 1971. Both he and Kardelj hoped the devolution of power and the purges would be enough to quell Croatia's growing separatist movement.

At the time it was presented for ratification, the 1974 Constitution was "the world's longest with 406 articles," it also "created the most complicated electoral system seen anywhere during the twentieth century."³² The 1974 constitution is best known for two features; first, the aforementioned autonomy that it granted Kosovo, and that sparked the violence during the collapse of the country in 1990 and 91, and second, the collective presidency it created caused the Yugoslav government to become utterly dysfunctional.³³ The plan for governing Yugoslavia after Tito was intended to create a system in which, "every republic and autonomous province had equal access to positions of power."³⁴ This desire was manifested in the collective presidency, a nine-person committee (a representative from each republic and province and the LCY president) whose decisions had to be reached by unanimity. By refusing to agree to an issue on the table, a single republic or province would in essence cast a veto that could not be overridden.

Thus the 1974 constitution unwittingly generated a series of crisis that would eventually lead to the destruction of Yugoslavia. It gave Kosovo a level of autonomy that

³¹ Bennett, 71.

³² Lampe, 313, See Lampe for a description of the rules used for selecting delegates and delegations.

³³ Lampe writes that "The requirement for unanimous agreement among the republics and provincial representatives in their Chamber as well as in the collective presidency proved to be the major political failing of the 1974 constitution from the top down." 313,

³⁴ Bennett, 74.

was unacceptable to Serbia. It created a ruling committee composed of members of separate republics that possessed a large degree of autonomy and had conflicting interests. Also, it halted the advance of liberalization within the communist party that might have led to political and economic solutions capable of prolonging peaceful coexistence within the federation.

4. Economic Troubles

An inefficient socialist economy, enormous foreign loans, unwise and limited investments, two world oil shocks, and an inability to create a better standard of living in its poorer republics and provinces all contributed to Yugoslavia's collapse.³⁵

From the beginning of his rule, Tito found it difficult to develop an effective economic identity for Yugoslavia.³⁶ Economic experiments included: "socialist self-management" in the early 1950s, the "dissolving of collective farms in 1953," economic reforms through the 1950s, market socialism in the early 1960s, opening the economy to foreign investments, and obtaining foreign loans in the late 1960s. Yet the Yugoslav government could never find the right formula and entered the 1970s with worsening economic problems.³⁷ According to Christopher Bennett, a combination of political conservatism and worker concerns kept real market reform from taking place.³⁸

The oil crises of 1973 and 1979 also ravaged Yugoslavia's economy.³⁹ The consequences of the failure to find a solution to the country's economic woes were non-profitable business enterprises, a loss of real income by Yugoslavia's industrial workers, drastic cost saving measures by businesses to remain profitable, strikes by blue-and white-collar workers, and "poverty, emigration and unemployment."⁴⁰ Many Yugoslavs went abroad (mostly to West Germany) to find employment and to earn enough to support their families back at home.⁴¹

³⁵ Bennett, 67-69.

³⁶ Although Lampe describes the Yugoslav economy as continuing to "expand ... in most years since the mid-1950s," Sudetic and Bennett note the economy never really prospered for any significant period of time.

³⁷ Sudetic, Charles in *Yugoslavia: A Country Study*, 47-53.

³⁸ Bennett, 68.

³⁹ Ibid.

⁴⁰ Leslie Benson, *Yugoslavia, A Concise History* (Great Britain: Palgrave Macmillan, 2004), 112-114.

⁴¹ Ibid, 114, "By 1970, a million Yugoslav citizens were working abroad, mostly in West Germany."

There were short periods of success with some of the economic reforms, so much so that both John Lampe and Malinda K. Goodrich describe the Yugoslav economy as relatively prosperous from 1950 to the early 1970s.⁴² However, growth was uneven, prosperity was concentrated mostly in Croatia and Slovenia, Yugoslav guest workers in Western Europe provided hard currency for the country's economy, and Western, especially U.S., aid was generous after the break with the Soviet Union.⁴³ During various periods from 1948 to 1990, Yugoslavia would be the recipient of U.S. loans and grants. Much of this assistance was directly aimed at countering the Yugoslav-Soviet relationship.⁴⁴ Yugoslavia was able to take advantage of the Cold War tension between the U.S. and the Soviet Union to obtain American loans, which boosted the country's economy. In the end, Yugoslavia's economy represented another failed attempt at socialism, with similar results as the economies of the nations in the Soviet bloc.

Tito's death on 4 May 1980 marked the beginning of the end of Yugoslavia.⁴⁵ He left Yugoslavia with a constitutional arrangement that soon brought government functioning to a halt. Also, ethnic tensions, which he had chosen not to confront openly, erupted freely in his absence. Moreover, Yugoslavia's economy was on the verge of collapse. Although some leaders in positions of power hoped to preserve Yugoslavia and continue what has been termed the "Yugoslav experiment," there were enough non-supporters or outright opponents to eventually make that impossible.

B. POST-TITO YUGOSLAVIA, 1980-2000

1. Introduction

With Tito gone, the opponents of the system he put into place could now come forward and promote their views. There was internal opposition to Tito's economic, political and nationalities policies. The opposition to his nationalities policies would do the most harm. Some of Yugoslavia's political elite wanted to liberalize the economy and democratize and simplify the political system. However, another group sought to

⁴² See Lampe, also Goodrich in *Yugoslavia: A Country Study*.

⁴³ Bennett, 68-69.

⁴⁴ Lampe, 274.

⁴⁵ Bennett, 74. Bennett writes "The unifying bonds which tied the country together were Tito himself, the armed forces, which Tito had created and still dominated, and the LCY, which Tito had just purged. At a time when he was already in his eighties and could not expect to live much longer, he had made himself more indispensable to Yugoslavia than he had ever been before."

change the nationalities policy to allow the Serbs to dominate and repress minority groups, Albanians in particular.

Prior to 1945, Yugoslavia was a Serb-dominated entity. During the time of the Kingdom of Serbs, Croats and Slovenes, a royal line of Serbian princes ruled the country. Later, when a parliamentary system existed briefly, Serbs still tended to dominate. All of that had changed under Tito. He genuinely wanted to create a Yugoslavia in which all were equal and no single national group dominated. This policy can be seen in his attempt to bring the Albanians of Kosovo into the Yugoslav mainstream and his willingness to crush Croat nationalism, although he was half Croat. Tito kept ethnic and national divisions from dividing and destroying Yugoslavia.

This section examines the two issues facing Yugoslavia in the 20 years after Tito's death. The first issue was Yugoslavia's worsening economic troubles. The second problem was growing ethnic and nationalist tensions. These two onerous challenges led to the wars that eventually broke Yugoslavia apart.

2. A Difficult Decade, 1980 to 1990

The foreign loans that began pouring into Yugoslavia after the break with the Soviet Union became an easy source of funding for a struggling Yugoslav economy. By 1982, the country's foreign debt had reached the unsupportable total of \$20 billion.⁴⁶ Yugoslavia's borrowing was out of control with the total debt representing money borrowed by the federal government, republican governments, banks and private businesses.⁴⁷ Both Bennett and Lampe write about the lack of control the federal government had over this borrowing and its shock once the depth of the debt was discovered.⁴⁸ An exhaustive explanation of the depth and causes of the economic crisis are beyond the scope of this study, however, what is important to note is that economically Yugoslavia was in an untenable situation.⁴⁹ The irony of the situation was the annual 5.1 percent "growth" in GDP per capita reported for 1970 to 79 was made

⁴⁶ Lampe, 322.

⁴⁷ Ibid, also see Bennett, 70.

⁴⁸ Lampe, 322, Bennett, p. 70.

⁴⁹ See Lampe's *Yugoslavia as History* for an in-depth explanation of the nuances of Yugoslavia's economic troubles.

possible only by the growing foreign debt.⁵⁰ Just two years after Tito's death, the Yugoslav economy was in need of serious restructuring. No amount of budget cutting could help to repay the foreign debt. The cost of living and inflation also rose during this period.⁵¹

The U.S. was in the forefront of the effort to provide Yugoslavia with debt relief and an escape from economic troubles. Private banks and the U.S. government provided loans and a debt-relief package designed to assist the country in paying the interest on its national debt. Other contributors included the International Monetary Fund (IMF), the World Bank, and The Bank for International Settlements.⁵² Yugoslavia's first prime minister (the chair of the Federal Executive Council), Milka Planinc, was the architect behind these aid packages. Planinc was succeeded by Branko Mikulic, a Bosnian Croat, who found himself unable to take the next steps in reforming the economy of the federation due to opposition by hard-line communists. In the end, those who wanted to stop the move away from socialism derailed the efforts of the chair of the Federal Executive Council to reform the economy, take austerity measures, and enlist the support of international donors and monetary organizations.

The country's economic troubles, although not the sole cause of the increasing nationalism and ethnic divisions, was one factor that fed them. The ethnic upheavals of the 1980s began with protests in Kosovo. The first major protest took place in March 1981 and began as a spontaneous rally by students at Pristina University who were displeased with the service in the cafeteria. Prolonged wait times for meal services drove the students into the streets.⁵³ Unfortunately, the protests were hijacked by those with nationalist political agendas and approximately two weeks after the protests had begun, the students were demanding a republic.⁵⁴ Eventually, the protests were squelched by force, many Albanians were jailed, and severe police repression became a way of life for the Albanians in Kosovo.

⁵⁰ Lampe, 322, during the same period the "foreign debt (grew) by fully 20 percent a year."

⁵¹ Lampe, 322.

⁵² Ibid, 326.

⁵³ Tim Judah, *Kosovo: War and Revenge*, (New Haven and London Yale University Press, 2002), 38-39.

⁵⁴ Ibid, 39.

At the time that Kosovo and Vojvodina were granted extensive autonomy and equality by the 1974 constitution, many Serbians were angered at the development; however, they feared Tito and the response that any overt show of nationalism would garner, Serbs kept their displeasure to themselves until after Tito's death. Freed from the threat of punishment after 1980, Serbs could attempt to take steps to reverse the constitutional developments. The first hint of future developments was the 1986 *Memorandum*, a document produced by "sixteen prominent academics, including economists, scientists, historians and philosophers."⁵⁵ The group was assembled by Dobrica Cosic, a Serbian novelist, former Partisan, and friend of Tito, who was purged from the communist party in 1968 for expressing anti-Albanian sentiments.⁵⁶ A newspaper published a draft of the document in an attempt to discredit it. Instead its appearance in the newspaper gave this vicious expression of Serbian neo-nationalism wide exposure in Yugoslavia.⁵⁷

About the same time the *Memorandum* was stirring up ethnic tensions, Slobodan Milosevic, an increasingly prominent member of the Serbian communist party, emerged as the political leader of Serbia. This development had many catastrophic effects. First, although he initially condemned the *Memorandum*, Milosevic eventually assumed the mantle of protector of Serbian national interests.⁵⁸ Second, he awakened fears in the other republics of a return to Serbian dominance and how that dominance might be imposed. The other republics came to see Kosovo as a harbinger of what was in store for them. Again, Judah writing about Milosevic:

Once he had achieved his aim of abolishing provincial autonomy, he came to believe he could dominate the rest of Yugoslavia. The problem was that the very act of abolishing the provinces' autonomy, and the fact that the federal police and army—i.e., men from all the other republics—were now involved in suppressing violent demonstrations across Kosovo, was setting the stage for disintegration of the country as a whole.⁵⁹

⁵⁵ Judah, *Kosovo: War and Revenge*, 48.

⁵⁶ Bennett, 80.

⁵⁷ Judah, *Kosovo: War and Revenge*, 48.

⁵⁸ According to Tim Judah, Milosevic's dramatic shift into the nationalist camp shifted "the political debate from ideology to the Serbian 'national interest'-above all other issues-Milosevic and his allies 'destroyed the prospects of Serbia's transition to democracy.'"

⁵⁹ Judah, *Kosovo: War and Revenge*, 57.

Significantly, just as the other republics were about to take their first steps toward a multi-party, democratic system, Milosevic was taking the republics of Serbia and Montenegro in a nationalist direction. The desire for more autonomy within the federation or for outright secession from the federation, a desire which was festering in Croatia and Slovenia, understandably grew. Later, when Milosevic came to realize that he could not dominate the other republics or prevent their secession from the central Yugoslav state, he was satisfied with fighting for the territory of the other republics where a majority of Serbs either lived or once lived.

4. Conclusion

The emergence of Slobodan Milosevic, from 1986 to 1989, as the major political force in the Serbian republic had tremendous repercussions for the Yugoslav federation. The ill-effects of his reign will be experienced for many more years in Serbia. If Silber and Little were correct, Yugoslavia was ahead of most Eastern European countries in its readiness to reform and to join the democratic nations of Europe.⁶⁰ Yet, in Milosevic's hands, similar political and economic problems to those experienced by such countries as Poland and Czechoslovakia were magnified. Moreover, the additional problems of war, genocide, ethnic cleansing, organized crime and widespread corruption complicated the issue. Today, Serbia is dealing with problems the depth and breadth of which the first Eastern European countries that gained entry into NATO and the EU did not have to deal with. By forcing violent secession and civil war, by instituting a dictatorship, by going against world opinion and by encouraging organized crime and militias to take root, Milosevic took the "average" Eastern European reform problem and turned it into a "problem from hell" with which those interested in seeing Serbia reform must now contend.

One often hears that the collapse of Yugoslavia was linked to the collapse of the Soviet Union. The two events occurred at the same time and were similar in that the main occurrence was the collapse and disintegration of a communist country. Aside from those two superficial similarities, the two events were not significantly related. The European events that significantly affected the collapse of the Yugoslav state were the destruction of the Berlin Wall and the defeat of communism in Eastern Europe. As

⁶⁰ See footnote 1 and its corresponding quote.

Lampe writes, these events “cost Yugoslavia more than its strategic importance to the west. They eliminated the legitimacy of one-party rule across Eastern Europe.”⁶¹ The LCY, which was halfheartedly attempting to hold Yugoslavia together, quickly found itself surrounded by former communist countries in which a majority of the people had strongly rejected communism in favor of multi-party and democratic political systems.

C. THE YUGOSLAV SECURITY SECTOR FROM 1944 TO 2005

The wars of secession that took place in Yugoslavia during the 1990s and the 1999 conflict in Kosovo have been well chronicled; therefore, a detailed description is not necessary here. The important aspect of these conflicts, for the purpose of our study, is the effect they had on the security sector in Yugoslavia, particularly the military.

The lack of legitimate, democratic, civilian control of the military predates the conflicts in Yugoslavia during the 1990s. However, during the conflicts, this lack of civilian control manifested itself in a disastrous way. A majority of the individuals indicted and tried by The International Criminal Tribunal for the Former Yugoslavia (ICTY) were members of the Yugoslav National Army (JNA), including a former Chief of Staff of the JNA, Nebojsa Pavkovic.⁶²

1. The Military

In October 2005, the state union of Serbia and Montenegro acquired its sixth Defense Minister since the February 2000 assassination of Defense Minister Pavle Bulatovic (see Table 1). The most recent Defense Minister, Prvoslav Davinic, lasted from April 2004 to September 2005 in a tenure plagued by scandals.⁶³ Along with instability in what should be the segment of the Ministry of Defense leading Serbia and Montenegro toward PfP and western integration, the Serbian military of 2005 retains many of the characteristics embedded into it when its nucleus was formed under the wartime leadership of Josip Broz Tito. The leadership of the armed forces remains politicized, strictly military in leadership from top to bottom, and autonomous of true civilian control in the western sense of that term. After more than forty years of being closed to non-party members, “symbolic and ineffectual control ... by the high

⁶¹ Lampe, 332.

⁶² See ICTY indictments for biographies and offenses of these individuals, <http://www.un.org/icty/cases-e/index-e.htm>.

⁶³ <http://www.defensenews.com/story.php?F=1090998&C=europe&P=true>. Accessed 15 October 2005.

representative bodies of the state ... and the party” and being allowed to “strictly limit the quantity and quality of relevant public information on defense and the military,” the armed forces of Serbia and Montenegro are finding it difficult to implement reform.

The legacy of the current Serbian military was established under Tito during and immediately after the Second World War. Tito set up the Yugoslav military to mirror the armed forces of the Soviet Union. According to the Slovene expert Anton Bebler, the Yugoslav politico-military system had four important characteristics that directly mimicked the Soviet system. Bebler lists them as:

1. The officially sanctioned monopoly within the military of the ideology professed by the ruling Communist Party.
2. The primacy of politics in the military sphere, which is maintained by the primacy of top civilian politicians over the professional military and through the primacy of political considerations within the military establishment.
3. Open and officially enforced politization (*sic*) of the professional military; and
4. The professional military’s integration into the political system through mostly obligatory membership in the ruling Communist Party.⁶⁴

The result of the third characteristic was a purposeful and direct effort by the government and military to ensure the political reliability of professional military members.⁶⁵ Tito appointed himself defense minister and appointed other members of the Yugoslav Communist Party to the top civilian posts in the military.⁶⁶ In the 1960s this practice of putting civilian party members into the top military positions was phased out and high ranking military officers began filling what were ostensibly civilian positions.⁶⁷ So the “minister of defense, deputy ministers and assistants ... since 1967 have been a professional general who received military and general college-level and graduate

⁶⁴ Anton Bebler, “Political Pluralism and the Yugoslav Professional Military,” in *The Tragedy of Yugoslavia: The Failure of Democratic Transition*, Jim Seroka and Vukasin Pavlovic, eds. (New York and London, England: M.E. Sharpe Armonk, 1992), 108.

⁶⁵ Bebler gives a detailed description of the methods used for politicizing military members on pages 108-109.

⁶⁶ Bebler, 110.

⁶⁷ Ibid.

education in Yugoslav, Soviet, and Western military schools and academies.”⁶⁸ As late as 1992, the leadership of the Yugoslav military “publicly resisted and angrily rejected” any attempt to place civilians in these key defense ministry posts.⁶⁹ The first break with military officers at the head of the Ministry of Defense came with the appointment of Milosevic crony, Pavle Bulatovic, in 1994 (see Table 1).⁷⁰

Ministers of Defense 1945-2005

Name	Dates of Tenure	Affiliation
Josip Broz Tito	1945-1953 (+1980)	CPY/LCY
Ivan Gosnjak	1953-1967 (+1984)	LCY
Nikola Ljubicic	1967-1980	Military
Branko Mamula	1980-1988	Military
Veljko Kadijevic	1988-1992	Military
Blagoje Adzic	1992 (acting)	Military
Zivota Panic	14 Jul 1992 - 2 Mar 1993 (acting)	Military
Pavle Bulatovic	2 Mar 1993 - 7 Feb 2000 (+)	DPS, SNPCG
Dragoljub Ojdanic	7 Feb 2000 - 4 Nov 2000	Military
Slobodan Krapovic	4 Nov 2000 - 29 Jan 2002	SNPCG
Velimir Radojevic	29 Jan 2002 - 17 Mar 2003	SNPCG
Boris Tadic	17 Mar 2003 - 16 Apr 2004	DS
Prvoslav Davinic	16 Apr 2004 – Oct 2005	G17 Plus
Zoran Stankovic	Oct 2005	

Table 1. Ministers of Defense 1945-2005⁷¹

Another feature of civilian control of the military under Tito was its autocratic and exclusive nature. The Yugoslav Federal Assembly had no oversight powers over the military. Military policy and control were Tito’s personal purview.⁷²

The nature of the civil-military relationship in Yugoslavia into the early 1990s was a result of several factors outlined by Bebler. First the post World War II Yugoslav

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ <http://news.bbc.co.uk/1/hi/world/europe/634714.stm>. Accessed 15 October 2005.

⁷¹ This table was created using information from <http://www.terra.es/personal2/monolith/yugoslav.htm> and <http://www.terra.es/personal/mothman/fry.htm>. Accessed 19 October 2005.

⁷² Bebler, 121.

military was characterized by strong “civilian” control of the military in the person of Tito. This occurred because the “army was created by the Communist Party” and not the other way around, as occurred most often in guerilla movements.⁷³ Second, beginning in the 1960s there was a break in the civilian control tradition and the top Ministry of Defense positions began to be filled by military men. This phenomenon coupled with the wholesale purge in the civilian security service from 1966 to 67, which was conducted, in part, by the military security ... further enhanced the military’s separation from the party and civilian security establishment.”⁷⁴ The next trend was initiated by the Soviet invasion of Czechoslovakia in 1968, which led to the abolishment of “the monopoly of the federal standing army” due to the emergence of a Territorial Defense Force.⁷⁵

Beginning in 1990, some in Yugoslavia began to look to the Yugoslav People’s Army as a means of preventing the growing separatist movements from succeeding.⁷⁶ In early 1990’s, the JNA leadership still reflected the ethnic mix that was supposed to characterize Yugoslavia. The High Command of the Yugoslav military was a 38 percent, 33 percent, and 8.3 percent mix of Croats, Serbs and Slovenes, respectively.⁷⁷ Within the ranks of the JNA there were individuals who harbored ethnic hatred based, not on ancient events, but on the violent struggle between Partisans, Ustashe and Chetniks during World War II. For instance, General Ratko Mladic, the military leader of the Bosnian Serbs who is now an indicted war criminal, was reported to have lost his father in the fighting during the Second World War and to have grown up hearing stories about Ustashe atrocities.⁷⁸ There were, however, many high ranking officers within the JNA who were “a throwback to the Tito era when ideological orthodoxy and fidelity to Titoism had been prerequisites to a military career.”⁷⁹ The officers in this group are believed to have truly desired the continuance of Yugoslavia as Tito envisioned it.

⁷³ Ibid, 120.

⁷⁴ Bebler, 122.

⁷⁵ Ibid.

⁷⁶ Curtis, 227.

⁷⁷ Bennett, 132.

⁷⁸ Ibid, 131.

⁷⁹ Ibid, 132.

In addition, the Yugoslav military wanted to preserve the country because it would lose legitimacy if communism failed and Yugoslavia collapsed. By the time of Tito's death, the military "had been thoroughly integrated into the orderly running of the country and a succession mechanism was in place, in which the Yugoslav military was assured of continued influence."⁸⁰ The military was in partnership with the communist party to keep the country together. This outlook of the military leadership was personified in Veljko Kadijevic, Yugoslav Defense Minister from 1988 to 1992. To Kadijevic, the survival of the JNA depended on the survival of Yugoslavia. He wanted to keep the country together because, "a unitary state was the sole option, since that was the only arrangement which would enable the JNA and defence industry to continue in its present form."⁸¹ This threat to the survival of the defense establishment coupled with Kadijevic's belief in a socialist Yugoslav state, resulted in a concerted effort by the Yugoslav military to halt the pluralist and democratic tendencies that began to erupt in the late 1980s and early 1990s.⁸²

This political position made Kadijevic and the JNA susceptible to the Milosevic and Serbian nationalists beginning in the late 1980s. Milosevic, with his forceful (if insincere) insistence on the preservation of Yugoslavia made him a natural ally for Kadijevic and the JNA. Despite Kadijevic's personal dislike of the Serbian leader, he became allied with Milosevic in his efforts to use military force to keep Yugoslavia together.⁸³ That alliance is having long-term repercussions for what is left of the Yugoslav military in Serbia and Montenegro. One feature of the JNA's involvement in the conflicts in Croatia, Bosnia-Herzegovina, and Kosovo is a war-crimes legacy, which is proving difficult to overcome due to Serb nationalism and the inability of Serbs to take responsibility for actions taken in the name of "Greater Serbia."

When it became apparent that the army could not hold Yugoslavia together, Milosevic purged the army. The officers who were valuable because of their

⁸⁰ Robin Alison Remington, "Political-Military Relations in Post-Tito Yugoslavia," in *Yugoslavia in the 1980s*, Pedro Ramet, ed. (Boulder and London: Westview Press, 1985), 59.

⁸¹ Ibid, 133.

⁸² Bebler details the unsuccessful efforts of Kadijevic and the military establishment to reverse the democratic tide in Yugoslav politics.

⁸³ Silber, and Little, 60.

commitment to Yugoslavia became a liability as the country disintegrated. In order to eliminate the chance that the officers loyal to a Yugoslavia that no longer existed would fail to transfer their loyalty to him, in 1992 and 1993 Milosevic purged all but “nine former JNA generals” from the newly designated Army of Yugoslavia (VJ).⁸⁴

The following is an examination of three ICTY indictments chronicling activities by JNA/JV officers. Although a variety of professions can be found throughout the ICTY indictments, including waiters, a mechanic, a dentist and assorted others, the majority of indictees were active-duty military forces taking part in the war as part of the military of the rump Yugoslav state, or as members of the military of newly declared independent states or regions.⁸⁵

a. *The Pavkovic et al. Indictment, 22 September 2003*

This indictment named Colonel Generals Nebojsa Pavkovic, Vladimir Lazarevic, Vlastimir Djordjevic, and Sreten Lukic who served in the JNA and/or the Serbian Ministry of Internal Affairs (MUP).⁸⁶ Each general stands accused of ethnic cleansing of Albanians from the Kosovo Province in 1999. The charges not only reflect a lack of civilian, parliamentary oversight of the military, they also reflect a lack of a professional code of ethics within the military. The charges include planning, instigating, ordering, committing, or aiding and abetting “a deliberate and widespread or systemic campaign of terror and violence directed at Kosovo Albanian civilians,”... forcibly expelling and internally displacing thousands of Albanians from their homes and the “deliberate and widespread or systematic campaign of destruction of property owned by Kosovo Albanian civilians.”⁸⁷ Forces ultimately under the command and direction of these men deported Albanians from Kosovo (and therefore Serbia), engaged in the forcible transfer of Albanians within Kosovo, committed murders of “hundreds of Kosovo Albanian civilians,” and committed “political, racial, or religious” persecutions

⁸⁴ Timothy Edmonds, *Defence Reform in Croatia and Serbia-Montenegro* (New York: Oxford University Press for The International Institute for Strategic Studies, 2003), 24.

⁸⁵ ICTY Indictment IT-02-65, <http://www.un.org/icty/indictment/english/mea-ci020705e.htm>; ICTY Indictment IT-03-72, <http://www.un.org/icty/indictment/english/bab-ii031117e.htm>. Accessed 13 November 2005.

⁸⁶ ICTY Indictment Pavkovic et al., <http://www.un.org/icty/indictment/english/pav-ii031002e.htm>, accessed 22 July 2005.

⁸⁶ Ibid.

⁸⁷ Ibid.

of Albanians.⁸⁸ All four generals were decorated by the Yugoslav state for their service in Kosovo.

b. The “Vukovar Hospital” Indictment against Mile Mrksic, Miroslav Radic, Veselin Sljivancanin, and Slavko Dokmanovic, 2 December 1997

The November 1991 Vukovar Hospital incident, in which approximately 250 Croats were taken from this hospital and executed, is one of the more well known of the atrocities of the Yugoslav wars of secession. Serbian rebels in the town, the population of which was 44% Croatian and 37% Serb at the time that fighting broke out (after Croatia declared its independence), were supported militarily by the JNA.⁸⁹ This particular indictment names four individual, three of whom, Colonel Mile Mrksic, Major Veselin Sljivancanin, and Captain Miroslav Radic, were members of the JNA and who, with the aid of Slavko Dokmanovic, the fourth man named in the indictment, were responsible for the execution of the Croatian villagers. In Vukovar, as in many other villages and towns in Croatia and Bosnia-Herzegovina, where Serbs residents were fighting for territory that would later be incorporated into a “Greater Serbia” the JNA “intervened in support of the Serb insurgents.”⁹⁰ In this particular case, the JNA “attacked surrounding villages inhabited mostly by non-Serbs ... surrounded the city of Vukovar laying siege to it,” and “engaged in sustained artillery assault of the city.”⁹¹ Again, this is a case in which not only the lack of civilian control, but a lack of professional military ethics, and the absence of knowledge of and or adherence to the rules of warfare characterized the actions of the Yugoslav armed forces.

c. The “Lasva Valley” Indictment against Tihomir Blaskic

This third indictment names a Croatian who was a career military officer in the JNA, who after the war broke out became a colonel and then a commanding General in the Croatian Defense Force (HVO) headquartered in Mostar, in Bosnia-Herzegovina. Blaskic, a graduate from the Military Academy in Belgrade was indicted on twenty counts. The charges against him included persecuting Bosnian Muslim

⁸⁸ ICTY Indictment Pavkovic et al.

⁸⁹ ICTY Indictment IT-95-13a-PT, 2 December 1997, , <http://www.un.org/icty/indictment/english/mrk-2ai1971202e.pdf>, accessed 13 November 2005.

⁹⁰ Ibid.

⁹¹ Ibid.

civilians, unlawful attacks on civilians and civilian objects, willful killing and causing injury, destruction and plunder of property, destruction of institutions dedicated to religion or education, and finally inhumane treatment, the taking of hostages, and the use of human shields.⁹²

2. The State Security Service and Internal Affairs Arrangements

Internal security forces were instrumental in establishing and maintaining the communist-controlled Yugoslav state after World War II.⁹³

During World War II, Yugoslavia's communists created the Department for Protection of the People (OZN), a security service tasked with finding enemies of the revolution. The OZN was replaced by the Directorate for State Security (UDB) in March 1946.⁹⁴ The UDB had "unrestricted powers to arrest, imprison, and even execute political opponents without public trial."⁹⁵ The UDB organization contained paramilitary units and was mainly staffed by Serbs and Montenegrins.⁹⁶ From its inception, the organization was trained to root out Yugoslavs disloyal or threatening to the regime. The UDB became the Service for State Security (SDB) in 1966, after a purge of its leadership for, among other offenses, spying on Tito.⁹⁷

During its lifetime, the main tasks of the UDB/SDB included uncovering pro-Stalin "Cominformists" after the break with the Soviet Union, spying on and arresting internal dissidents, "identifying and neutralizing émigré organizations in foreign countries" who were trying to undermine the government at home, and monitoring Croatian organizations abroad.⁹⁸ The organization has been linked to several assassinations of Yugoslav émigrés.⁹⁹ The Council for the Protection of the Constitutional Order was the overriding control mechanism for all agencies involved in

⁹² ICTY Indictment IT-03-72, <http://www.un.org/icty/indictment/english/bla-2ai970425e.htm>, accessed 13 November 2005.

⁹³ Curtis, 280.

⁹⁴ Lampe, 238.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Curtis, 280.

⁹⁸ Ibid, 280-1.

⁹⁹ Ibid, 281.

internal security. Beneath it were numerous agencies at the federal, republic and province level, including the Office of the Federal Public Prosecutor.¹⁰⁰

In 1991, as Yugoslavia began to crumble, each republic grasped control of its portion of the Council for the Protection of the Constitutional Order bureaucracy, Slobodan Milosevic was no exception. He proceeded to use the renamed Serbian State Security Division (RDB) for operations in Croatia, Bosnia-Herzegovina, and Kosovo.¹⁰¹

It is likely that one of the key reasons for the persistent problem of corruption and criminality within the judiciary in Serbia is the historical relationship between the Yugoslav judicial system and the internal security services. In addition, the paramilitary groups that ran amok during the Yugoslav wars of succession were predated by the People's Militia, a federal paramilitary force of approximately 15,000 troops, which was controlled by the Secretariat for Internal Affairs.¹⁰² Yugoslavia's internal security system certainly contributed to the atrocities that occurred in the 1990s and persist today in the failure to create an independent judiciary. As with the military, the various internal security forces that came into being after Yugoslavia's division were deeply involved in atrocities that occurred during the wars of secession. The following case is just one example of the kind of actions in which these security forces engaged.

Stanisic and Simatovic (IT-03-69): This indictment names Jovica Stanisic, the head of the State Security Service (DB) in Serbia and close friend and ally of Milosevic and Franko Simatovic, head of a Special Operations Unit of the DB.¹⁰³ Stanisic is accused of authorizing and Simatovic of establishing a training center for special paramilitary units. The training center produced some of the worst Serbian paramilitary groups, such as Arkan's Tigers, the Red Berets and Martić's Police that operated in Croatia and Bosnia-Herzegovina.¹⁰⁴ These units were "deployed" to locations in Croatia and BiH where they were subordinated to Croatian Serb and Bosnian Serb militias.

¹⁰⁰ Curtis, 281.

¹⁰¹ "Council for Security" article on GlobalSecurity.org website, <http://www.globalsecurity.org/military/world/serbia/cfs.htm>, accessed 10 November 2005.

¹⁰² Ibid, p. 282.

¹⁰³ ICTY Indictment IT-03-69, <http://www.un.org/icty/indictment/english/sta-ai031209e.htm>; accessed 13 November 2005.

¹⁰⁴ Ibid.

Stanisic and Simatovic had the ultimate responsibility for directing, organizing, training, supplying, arming, and financing these groups.¹⁰⁵ Stanisic and Simatovic were charged with persecution, murder, and deportation and forcible transfers of non-Serbs from contested areas in Croatia and BiH.¹⁰⁶ Stanisic was considered “the most powerful man in Serbia apart from Slobodan Milosevic.”¹⁰⁷ He took part in criminal operation on behalf of the Yugoslav state as Head of the DB from 1991 to 1998. The indictment of Stanisic and Simatovic details how the Yugoslav security services directed and committed war crimes in two neighboring states as part of a plan that came from the very top of the Yugoslav government.

3. Conclusion

The critical need for security sector reform in Serbia in 2005 was created by the communist legacy of Yugoslavia and the criminal legacy of Slobodan Milosevic’s rule during the 1990s. The Serbian military must overcome the traditional problems of post-communist militaries in countries whose economy were ravaged by socialism. Such problems as outdated weapons, crumbling infrastructure, the need to downsize, the need to create effective democratic parliamentary accountability and civilian control, and the need to depoliticize the officer corps are only the beginning of the issues that must be addressed. The activities of the Yugoslav military under the direction of Slobodan Milosevic must also be addressed. The commission of war crimes, the alleged harboring of war criminals, and the criminality and scandal that still plagues the armed forces of Serbia must also be assessed and corrected. The police sector must also overcome the communist and criminal legacy. The next chapter discusses Security Sector Reform theories and practices, as well as the ongoing SSR efforts in Serbia.

¹⁰⁵ ICTY Indictment IT-03-69.

¹⁰⁶ Ibid.

¹⁰⁷ GlobalSecurity.org Website Article on the Yugoslav Military, <http://www.globalsecurity.org/military/world/serbia/cfs.htm>. Accessed 4 December 2005.

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III. SECURITY SECTOR REFORM (SSR)

Once Slobodan Milosevic was removed from power in October 2000, the Serbian security sector demanded change. The entire realm was characterized by criminality, corruption, complicity in war crimes, and a lack of professionalism. The new leaders of Serbia recognized the need to recover from the disasters of the recent past and bring their country into the European mainstream. In addition to the reforms needed in the security sector, Serbia's leaders faced such issues as "territorial unity, ethnic relations, restructuring their country's deteriorated and corrupted economy," political infighting and corruption, ICTY indictments, and the international occupation of Kosovo.¹⁰⁸

At the beginning of 2001, Serbia took the initial steps to European and international integration. Among other initiatives, the country reclaimed its seat in the UN General Assembly, invited the OSCE to establish a mission, and joined NATO's South East Europe Initiative's (SEEI) South East Europe Security Cooperation Steering Group (SEEGROUP).¹⁰⁹ Membership in these organizations, as well as an expressed interest in future EU membership, started Serbia along the path of political, diplomatic and security sector reform.

The previous chapter outlined the history of the Yugoslav/Serbian security sector. It established the origins of the problems seen in Serbia today. However, as evidenced by the former Eastern European states that today are members of both NATO and the EU, Serbia can break from the past and create the democratic institutions. Today in Serbia, several organizations are working to help the democratic transition in Serbia take hold and flourish. One area of focus is Serbia's security sector.

This chapter addresses Security Sector Reform (SSR). First, it defines SSR, as it pertains to Serbia. Second, it traces the evolution of SSR in Eastern Europe. Next, it

¹⁰⁸ Lenard J. Cohen, "Post Milosevic Serbia," *Current History* 99 (March 2001): 99.

¹⁰⁹ NATO Basic Fact Sheet, "South East Europe Initiative," 10 February 2004, <http://www.nato.int/docu/facts/2001/seei.htm>. Accessed 24 October 2004.

outlines and analyzes criticisms of SSR. Fourth, it outlines the major ongoing SSR efforts in Serbia. And finally, it evaluates the results of these efforts.¹¹⁰

A. WHAT IS SSR?

The security sector encompasses “those statutory and non-statutory security services authorized to use force, civil society actors and oversight mechanisms, and non-statutory forces that are not authorized to use force on any occasion.”¹¹¹ The security sector includes the military and any forces that would typically fall under the Interior or Justice Ministry of a country. It also includes the institutions and individuals who command and oversee these forces. A security sector in need of reform will usually have evolved in a developmental context, a post-authoritarian context, or a post-conflict context.¹¹² In the developmental context, a lack of economic maturity is the key driver for reform. In the post-authoritarian context, a lack of democratic governance is the major obstacle to be overcome. In the post-conflict context a unique and “specific security situation,” created by the effects of violent conflict must be overcome.¹¹³

The literature on reforming the security sector defines the concept in several ways. For example, Heiner Hanggi defines SSR as being:

essentially aimed at the efficient and effective provision of state and human security within a framework of democratic governance.¹¹⁴

Michael Brzoska defines it as the creation of:

armed, uniformed forces which are functionally differentiated, professional forces under objective and subjective civilian control, at the lowest functional level of resource use.¹¹⁵

¹¹⁰ Credit for coining the term “security sector reform” is given to “the UK Development Minister Claire Short,” by David Law in “Security Sector Reform in the Euro-Atlantic Region: Unfinished Business,” in *Reform and Reconstruction of the Security Sector*, Alan Bryden and Heiner Hanggi, eds., Geneva Centre for the Democratic Control of Armed Forces (DCAF), (New Brunswick and London: Transaction Publishers, 2004), 22.

¹¹¹ Fitz-Gerald, Ann M., “Security Sector Reform-Streamlining National Military Forces to Respond to the Wider Security Needs,” *Journal of Security Sector Management*, Volume 1, Number 1, March 2003, (Shriveham UK: Global Facilitation Network for Security Sector Reform, Cranfield University), 4. See also Jane Chanaa’s definition in *Security Sector Reform: Issues, Challenges and Prospects*, *Adelphi Paper 344*, The International Institute for Strategic Studies, 2002, 7.

¹¹² Heiner Hanggi, “Conceptualising Security Sector Reform and Reconstruction,” in *Reform and Reconstruction of the Security Sector*, vii.

¹¹³ Ibid.

¹¹⁴ Hanggi, 3.

And Nicole Ball, an established SSR expert, considers security sector reform to include those measures that “establish good governance in the security sector” and enhance the capacity of a country to reap the economic and political benefits of good governance.¹¹⁶

Although SSR goals can be as narrow as civilian control of the military and military modernization (NATO’s requirements) and as broad as the goals of the EU’s Stabilization and Association Agreements, which the EU itself describes as “ambitious, demanding agreements, which have at their core the basic principles which underpin membership of the Union.” In general, they are aimed at establishing the national capacity to control and to govern the sectors of the nation legally authorized to use force to carry out their duties.¹¹⁷

Security sector reform not only involves turning bad into good, such as democratizing a security sector formerly under communist rule. It also makes a security sector that is considered good even better. Good examples of this are the ongoing security sector transformation efforts in the US Department of Defense (DoD) and NATO. Other examples of security sector reform are the efforts of NATO, during the Cold War, to make the military contributions of its members more effective and efficient in order to assign the security burden in a fairer manner.¹¹⁸

B. THE EVOLUTION OF SSR IN EUROPE

During the Cold War, outside involvement in the security sector, in particular the military, of the smaller nations of the world was divided along an East-West axis.¹¹⁹ The only concern for the two main protagonists during the Cold War was to line up as many allies as possible and arming them so that they would be of use militarily if the need arose. The effort by the Western powers to support nations outside of the alliance to

¹¹⁵ Michael Brzoska, “The Concept of Security Sector Reform,” in *Brief 15, Security Sector Reform*, Herbert Wulf, ed., (Bonn: Bonn International Center for Conversion (BICC), 2000), 9.

¹¹⁶ Ball, Nicole, “Good Practices in Security Sector Reform,” in *Brief 15, Security Sector Reform*, 14.

¹¹⁷ Commission of the European Communities, Brussels, *First Annual Report on the Stabilization and Association Process for South East Europe*, 4 April 2002, 4.

¹¹⁸ For further Study on Security Sector Reform see, *Transforming National Armed Forces in South East Europe: From the Social to the Military Challenge*, 9th Workshop of the Study Group “Regional Stability in South East Europe,” Study Group Information, Vienna and Sofia, April 2005.

¹¹⁹ See Chanaa, 14 and Law, 21.

reform their security sector in a positive, non conflict-centered manner did not occur until the Cold War ended.

After the demise of communism, many of Europe's central and eastern countries expressed a desire to join the ranks of Europe's prosperous, democratic nations. Their main goal was eventual inclusion in NATO and the EU. Once expansion was adopted as a desirable goal for NATO and the EU, both organizations were forced to establish accession requirements. NATO's accession requirements were articulated in the Membership Action Plan (MAP).¹²⁰ The EU's accession criteria were established at the June 1993 Copenhagen European Council in Denmark.¹²¹ NATO and EU membership would eventually require what would come to be defined as Security Sector Reform (SSR).¹²²

The initial support and enthusiasm for reforming the security sector in the former communist countries came from within those countries. Long before NATO had come to a consensus on enlargement, such countries as Hungary, Czechoslovakia and Poland had already begun efforts to eradicate the vestiges of communism and authoritarianism from their militaries and police forces.¹²³ Once the Central and Eastern European countries decided that they wanted membership in NATO and the EU, they began the necessary steps to achieve this goal.¹²⁴ Although the western nations provided guidance and advice, it was not under the guise of security sector reform as we know it today. The main focus of reform was the lack of historical democratic values in the countries expressing a desire to join western institutions and the need to "recreate" the government

120 The MAP was launched in April 1999 at the Alliance's Washington Summit to help countries aspiring to NATO membership in their preparations." The MAP was based on the experiences of the first three Eastern European countries to join the alliance. <http://www.nato.int/issues/map/index.html>, accessed 26 November 2005.

121 While the Copenhagen Criteria do not specifically outline requirements for security sector compliance, the requirement that candidate countries meet European standards for democracy and rule of law directly affect the management of the security sector.

122 The NATO-EU driven SSR effort is only one facet of the overall international need for SSR. Chanaa also discusses the impetus for SSR from the UN and international development agencies. Chanaa, p. 13.

123 Dan Reiter, "Why NATO Enlargement Does Not Spread Democracy." *International Security*, 25, 25.4 (2001), 41-67. For the specifics of the Czechoslovak and later Czech and Slovak cases see Jeffrey Simon, *NATO and the Czech and Slovak Republics* (New York: Rowman and Littlefield, 2004)

124 Reiter argues that Poland, Hungary and the Czech Republic "had made long strides toward democracy even before the NATO carrot was dangled before them." He also credits these countries with originating the concept of "NATO enlargement."

bureaucracy in a western, democratic image. In order to accede into NATO and the EU the aspirants were required to adopt the institutional values and practices of these organizations.¹²⁵ For NATO, the main concern after democratic reform was interoperability and the capabilities the new members would bring to the alliance. For the EU, it was the ability of aspirant countries to integrate economically into the union.

The requirements of NATO and the EU along with the goals of donor institutions and world bodies created a powerful group of actors with a vested interest in developing a successful formula for reform. Such organizations as the World Bank, the United Nations, the Organization for Economic Cooperation and Development, as well as individual nations such as Great Britain have invested large amounts of money in developing and reforming countries that fit into the three reform contexts.¹²⁶ These donating countries and institutions want to ensure their funds are used effectively and efficiently.¹²⁷ These different reform efforts were characterized by a realization that a “holistic” approach to reforming the security was necessary. Military reform, democratic governance, the rule of law, police reform, judicial reform, and the creation of a strong civil society were all inextricably linked. In order to have any success in one area, all areas had to be tackled.

NATO launched its Partnership for Peace (PfP) initiative in January 1994.¹²⁸ Although PfP’s “main task is to increase the participants’ ability to act in concert,” membership in the Partnership and the possibility of eventual NATO membership is firmly rooted in the adoption on the values of the alliance that are built upon democratic principles. The MAP program was established in 1999 and was based on the lessons learned and growing pains experienced as a result of the first round of NATO enlargement.¹²⁹

¹²⁵ Chanaa, 20.

¹²⁶ “Introduction” of *Brief 15, Security Sector Reform*, 5.

¹²⁷ Chanaa, 13.

¹²⁸ See <http://www.nato.int/issues/pfp/index.html>, for Partnership for Peace information.

¹²⁹ NATO website, Membership Action Plan (MAP) page, <http://www.nato.int/issues/map/index.html>. Accessed 27 November 2005.

The EU put its enlargement requirements on paper in 1993 in the form of the Copenhagen Criteria. The first requirement for membership articulated by the criteria is “stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.”¹³⁰ EU membership requirements emphasize the need for aspirant countries to adopt a wide spectrum of “European” values including “political, economic, and monetary” obligations.¹³¹

As the EU and NATO were developing the processes and procedures necessary to integrate new members, the academic community and policy makers within donor organizations offered a body of analysis on reform efforts. The Geneva Center for Democratic Control of Armed Forces (DCAF) and the Bonn International Center for Conversion (BICC) are two examples of institutions that came about as a result of the democratizing effort in Central and Eastern Europe.¹³² Some existing institutes, such as the International Institute for Strategic Studies, which was founded in 1958, quickly turned their attention to the security related issues emanating from the former communist countries in Europe. As members of think-tanks and institutes and also as individual researchers, many academics focused their research effort on the unique events happening in the former communist countries.

Individual countries also joined the effort to provide the former communist countries with monetary assistance, education and guidance in their efforts. Great Britain, the United States, Germany and Norway, just to name a few, quickly allocated money to assist in reforming the governments and economies of Central and Eastern Europe and to bring these countries firmly and permanently into the western camp.

Jeffrey Simon, Marybeth Peterson Ulrich, Nicole Ball, Michael Brzoska and many other scholars have published extensively on military reform, NATO enlargement,

¹³⁰ EUROPA, Gateway to the European Union website, Enlargement page, <http://europa.eu.int/comm/enlargement/intro/criteria.htm>. Accessed 27 November 2005.

¹³¹ Ibid.

¹³² DCAF, which was established in 2000 by the Swiss government, “works with governments and civil society to foster and strengthen the democratic and civilian control of security sector organizations such as police, intelligence agencies, border security services, paramilitary forces, and armed forces.” <http://www.dcaf.ch/about/index.cfm?nav1=1>, accessed 28 November 2005; BICC was established in 1994 with a mandate of assisting countries in shifting people and resources away from the defense sector to “alternative civilian uses.” http://www.bicc.de/info/about_bicc.php. Accessed 28 November 2005.

the democratizing of communist militaries, security sector reform, and the military, political, economic, and organizational aspects of democratic reform.

SSR in Europe was driven by two realities. First, it was driven by the desire of former communist countries to attain membership in a powerful military alliance and a prosperous political and economic bloc. Second, it was controlled by the ability of NATO and the EU to be selective and demanding in their entry requirements. Without these two stimuli the enforcement of SSR programs and requirements would be ineffective. The enthusiasm of the western governments to destroy the Soviet bloc permanently and the interest of academics in this unforeseen and extraordinary event helped to nurture the growth in SSR efforts and literature since the early 1990s. Though it would be difficult to find anyone critical of the goals of SSR, some academics are critical of the efforts and results achieved by its practitioners. Current criticisms on the development and effectiveness of SSR are the subjects of the next section.

C. SSR AND ITS CRITICS

Within the literature on SSR, it is not difficult to find critics—not of SSR itself—but of how the process has, so far, been approached and conducted. Marina Caparini, a Canadian Senior Fellow at the Geneva Center for the Democratic Control of Armed Forces (DCAF), an organization whose “mission is to promote the reform and democratic governance of the security sector in those states which are in need of it,”¹³³ has this criticism of SSR efforts in the Balkans:

Security sector reform in the Western Balkans then, is not so much the consensual product of a rational process of self evaluation by national political elites as it is an instrument to serve the interests of external actors and agendas.¹³⁴

Michael Brzoska and Andreas Heinemann-Gruder, the Head of the Research Department and a Senior Research Associate, respectively, at The Bonn International Center for Conversion (BICC) a research center that “facilitates the process whereby people, skills,

¹³³ Theodore H. Winkler. “Preface.” In *Reform and Reconstruction of the Security Sector*, vii.

¹³⁴ Caparini, Marina, “Security Sector Reconstruction: Western Balkans.” In *Reform and Reconstruction of the Security Sector*, 167.

technology, equipment, and financial and economic resources are shifted away from the defense sector and applied to alternate civilian uses write:"¹³⁵

For the time being, the security sector reform debate is marked by a mismatch between a long list of general recommendations of what could and should be done and concrete suggestions based on a thorough analysis of the problems in a particular post-conflict situation. This might be one reason why country specific accounts often show little progress in security sector reconstruction and reform on the ground. Security sector reform needs to be made concrete with respect to priorities and sequences, partial objectives and instruments, to have relevance in particular settings.¹³⁶

Finally, from a paper on SSR written by Dr. Jane Chanaa while a Research Associate at the International Institute for Strategic Studies:

The SSR agenda is therefore a simultaneously compelling and challenging enterprise. This is reflected in both its popularity and track record to date. SSR is a much-used phrase ... everyone is interested in, or at least promoting, SSR. The confidence with which the objectives of the SSR agenda are proclaimed contrasts however with the rather limited nature of reform successes so far.¹³⁷

These criticisms of SSR do not reflect any objection to the concept. What they represent are observations of how fragmented the international SSR effort has become. With different organizations having different agendas, all related to SSR at work in the countries in need of reform, the reform effort may well be limited and lack concreteness.

The World Bank, NATO, the EU, THE UNDP, and OSCE, although they are all working toward improving conditions in donor countries, have different outcome priorities. For example, although the NATO Partnership for Peace invitation expresses the Alliance's commitment to the "democratic principles that underpin our Alliance," the overall purpose of the alliance is military in nature and the emphasis is on military capability.¹³⁸ According to Dan Reiter, this is evidenced by NATO's failure to sanction Turkey for democratic reversals in 1960, 1971, and 1980, and Greece, for a military coup

¹³⁵ Brief 15, Security Sector Reform, 48.

¹³⁶ Michael Brzoska and Andreas Heinemann-Gruder, "Reform and Reconstruction under International Auspices," In Reform and Reconstruction of the Security Sector, 125.

¹³⁷ Chanaa, 8.

¹³⁸ Press Communiqué M-1 (94) 2, NATO Partnership for Peace Invitation, <http://www.nato.int/docu/pr/1994/p94-002.htm>. Accessed 27 November 2005.

in 1967 and also by the fact that NATO allowed membership for authoritarian Portugal when the alliance was founded after World War II. An argument against the issues raised by these different outcome priorities might be that SSR, whether aimed at economic growth, human rights, or military effectiveness, is still an effort to overcome obstacles to the democratic and efficient functioning of the target nation. The efforts of the World Bank and the International Monetary Fund are concentrated on correcting security sector issues that have a direct impact on economic development. In the end, any successful reform effort will positively affect more than one area of emphasis; however, a diffusion of funds and efforts in different directions may prolong the work required to attain success in any one area.

D. SSR AT WORK IN SERBIA

Whether the policy of using engagement with and the option of accession to NATO and EU as an incentive for SSR-related transformation will work in the Western Balkans remains to be seen. It will most certainly turn out to be more complex, time-consuming and resource-intensive process given the post-conflict setting that inhibits SSR in the sub-region.¹³⁹

The South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities postulates the belief that a combined effort by all nations and organizations interested in Stability in South East Europe is the only avenue to success in this effort.¹⁴⁰ As the nations of South East Europe work with the numerous organizations trying to affect change in the region, they slowly approach NATO and EU standards of behavior in the security sector. Serbia and Montenegro does not lack for assistance in its effort to bring about police reform. From the time of Milosevic's ouster in October 2000, to the present day, several organizations, both governmental and non-governmental alike, have taken part in programs to assist and encourage SSR in the region and the state union. What follows is an overview of the five main organizations working in Serbia and Montenegro to bring about reform and integration within the Western and European community of states.

¹³⁹ Bryden and Hanggi, eds., 13.

¹⁴⁰ South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities, Budapest, Hungary, May 2001, <http://www.nato.int/docu/comm/2001/0105-bdp/d010530b.htm>. Accessed 24 October 2005.

1. Organization for Security and Cooperation in Europe (OSCE)¹⁴¹

The OSCE mission in Yugoslavia was established on 11 Jan 2001. The involvement of the OSCE in Yugoslavia was just a small part of the process of international recognition of what was left of the former Yugoslavia after the wars of succession and the fall of Milosevic on 5 Oct 2000. During the wars Yugoslavia had been identified as a pariah state, had lost its seat in the United Nations, and did not have diplomatic relations with many nations and international organizations. The OSCE as well as other organizations, such as the UN, EU and Council of Europe, established or reestablished diplomatic relations with what remained of Yugoslavia.

The mission was established to assist with democratization, human rights, and minority rights issues and creating a free media. It came at the invitation of FRY government. In 2003, after the EU led negotiations, which resulted in the state union of Serbia and Montenegro, the OSCE mission to the Federal Republic of Yugoslavia (FRY) became the OSCE mission to Serbia and Montenegro. The mandate was to provide assistance and expertise to authorities at all levels as well as to interested individuals, groups and organizations in the fields of democratization, protection of human rights and, because of the particular situation in Serbia and Montenegro, issues having to do with the rights of national minorities. More specifically, in the area of democratization, the mission was to help with legislation to implement democratization and human rights, to monitor the progress of the legislation and institutions created in the democratic reform effort to assist in restructuring the police and court system, and to train law enforcement officials and members of the judiciary.

In the area of the rule of law and human rights the mission addresses several areas that, although they may not directly address SSR, will have residual affects on the security sector. Those areas are reforming the judiciary, domestic war crimes trials, prison reform, human rights institutions, and anti-corruption activities. Reform in any or all of these areas will undoubtedly force reform of law enforcement structures and procedures.

¹⁴¹ All OSCE data obtained from, <http://www.osce.org/sam/>. Accessed 9 October 2005.

The OSCE mission in Serbia and Montenegro also undertakes security building activities. The activities encompass destruction of small arms, the integration of Serbia and Montenegro into the OSCE communications network, and assistance in implementing the Vienna Document on Confidence and Security Building Measures.

Police reform is the main goal of the law enforcement department of the OSCE mission to Serbia and Montenegro. There have been six “priority areas” identified that attest to the nature of the problems in Serbia and Montenegro. The six areas are “police education and development, accountability and internal control, organized crime, forensics, border policing and community policing.”¹⁴² So far the mission has put a program in place to train multi-ethnic police forces. Properly trained and educated multi-ethnic police forces will greatly alleviate the human-rights and policing problems and may also help in narrowing the ethnic divide in Serbia and Montenegro. There are also programs to provide advanced police training and prison-staff training.

In addition, the OSCE has focused on “democratic control of the armed forces and security sector.”¹⁴³ The OSCE mission in Serbia and Montenegro has made parliamentary institution building the main focus of the defense-reform effort. The OSCE program “is designed to assist in strengthening institutional and human capacities of the parliaments of the State Union and its member States, Serbia and Montenegro ... The programme pays special attention to the role of Parliament in European Integration and to parliamentary oversight of the Armed Forces.”¹⁴⁴ The premise of this approach is the belief that parliamentary oversight is one of the key components of SSR. Even if the police and armed forces are reformed, if the parliament is unwilling or unable to establish and maintain oversight, the reform is incomplete and cannot be considered fully successful.

¹⁴² OSCE Mission to Serbia and Montenegro website, <http://www.osce.org/sam/>. Accessed 9 October 2005.

¹⁴³ OSCE paper titled, “OSCE Role in Security Sector Reform – The Region of South Eastern Europe,” presented by Dr. Vladimir Bilandzic at the Security Sector Reform and the Media Regional Conference on Defense and the Freedom of Information, November 14/15 in Belgrade, Serbia & Montenegro.

¹⁴⁴ Democratization page of OSCE in Serbia and Montenegro website, <http://www.osce.org/sam/>. Accessed 9 October 2005.

An additional effort at stability and reform in Southeastern Europe, which falls under the OSCE, is the Stability Pact for South Eastern Europe, which was launched in Cologne, Germany on 10 June 1999.¹⁴⁵

2. The North Atlantic Treaty Organization (NATO)

NATO is involved in Serbia and Montenegro through the South East Europe Initiative (SEEI) with an eye to eventual membership for the country in Partnership for Peace. The SEEI “is a series of programmes and initiatives aimed at promoting regional cooperation and long-term stability in the Balkans.”¹⁴⁶ NATO envisions the initiative, which was launched at the April 1999 Washington Summit, working to bring “trust, stability and prosperity” to the region.¹⁴⁷ The SEEI has been tied to PfP through the Euro-Atlantic Partnership (EAPC), something that will ensure that the two programs are working in concert to foster security sector reform in Serbia and Montenegro.

NATO designed the SEEI to encourage participating countries to take the initiative in making the most of what is offered to them. Therefore, “an important characteristic of the Initiative has been that initiatives and programmes would be conducted under *regional leadership and ownership* with NATO’s political and expert support.”¹⁴⁸ NATO aims to provide the tools, allowing the SEEI countries to decide which they will use. A good example of this is the May 2001 South East Europe Common Assessment Paper on Regional Security Challenges and Opportunities (SEECAP):

The SEECAP was originally a NATO recommendation and was advanced and developed by countries of the region. It is a comprehensive overview of the security environment in Southeastern Europe that sets out common perceptions of the challenges as well as opportunities for participating countries to cooperate in addressing them. The document is action oriented with a robust follow-up section, and forms a basis for security-sector reform in the region.¹⁴⁹

¹⁴⁵ *Stability Pact for South Eastern Europe*, Cologne 10 June 1999, <http://www.monde-diplomatique.fr/cahier/kosovo/ue100699-en>. Accessed 13 October 2005.

¹⁴⁶ NATO Fact Sheets, *South East Europe Initiative*.

¹⁴⁷ Ibid, comments by then NATO Secretary General Lord Robertson.

¹⁴⁸ Ibid, italics added.

¹⁴⁹ Ibid.

Serbia and Montenegro is also a member of the South East Europe Security Cooperation Steering Group (SEEGROUP), which “support(s) the various cooperative processes already at work in the region.”¹⁵⁰

The SEEI works to coordinate and to consolidate the various SSR efforts in the region in order to generate meaningful change. There are numerous programs in the region and the danger exists that each separate endeavor will work at cross purposes to the others. If the SEEI is successful, NATO will be able to effect reform in the region without bearing an inordinate amount of the financial burden for reform. At the same time the Alliance maintains a presence in the region and serves as a constant reminder of the goal of reform to countries like Serbia and Montenegro.

3. The European Union (EU)

The prospect of EU enlargement came about as a result of the democratic revolutions in Central and Eastern Europe in 1989.¹⁵¹ The Copenhagen Criteria, announced at the 1993 European Council meeting in Copenhagen, established the requirements for EU enlargement, namely:

- stability of institutions guaranteeing democracy,
- the rule of law,
- human rights and respect for and protection of minorities,
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union,
- the ability to take on the obligations of membership including an adherence to the aims of political, economic and monetary union.

In 1995 in Madrid, the European Council added the requirement that all EU legislation be “transposed” into national legislation and the appropriate judicial and legislative structures possess the capacity to enforce the legislation.¹⁵² All countries

¹⁵⁰ NATO Fact Sheets, *South East Europe Initiative*.

¹⁵¹ http://europa.eu.int/comm/enlargement/intro/index_en.htm, EU Enlargement: A Historic Opportunity, Europa, Gateway to the European Union website. Accessed 16 April 2005.

¹⁵² Ibid.

wishing to join the union after this time bore the burden of complying with all of these requirements. As an EU aspirant, Serbia must reform itself to meet these requirements.

Between May 1999 and November 2000, the EU developed a plan it hoped would encourage the countries of the Western Balkans (Croatia, Serbia and Montenegro, Bosnia-Herzegovina, Albania, and Macedonia) to make a concerted effort to reform themselves and draw closer to EU member countries.¹⁵³ EU officials hope this plan, the Stabilization and Association process, will give these five countries both the incentive (eventual EU accession) and the means (guidance and limited economic assistance) to bring lasting peace and stability to the region, which now, because of the accession of Slovakia and Hungary, borders the EU both to the north and south, with a possible border to the east in 2007 with the probable accession of candidate countries Romania and Bulgaria.

The Stabilization and Association Agreement requires the countries in the Western Balkans to have “respect for democratic principles, human rights and the rule of law.”¹⁵⁴ The First Annual report on the Stabilization and Association notes the “critical weaknesses in the rule of law and democratic institutions, endemic corruption, the threat of resurgence of extreme forms of nationalism, as well as poverty and social exclusion, [which] all pose a serious threat.”¹⁵⁵ The report also predicts that, “This is an enterprise which will demand many years of political and economic investment.”¹⁵⁶

E. SSR OUTCOMES IN SERBIA FROM 2001-2005

In October 2000, Slobodan Milosevic was defeated at the polls in an election whose outcome he had no intention of respecting. After two days of protests in the streets of Belgrade, Milosevic was forced to concede victory to Vojislav Kostunica, the candidate put forward by the Democratic Opposition of Serbia (DOS). DOS was a conglomeration of seventeen parties that had tried for many years to unite in an effort to defeat Milosevic. Political infighting, differences on major issues, and personality

¹⁵³ http://europa.eu.int/comm/external_relations/see/actions/sap.htm, Europa, Gateway to the European Union website. Accessed 16 April 2005.

¹⁵⁴ Commission of the European Communities, Report from the Commission, *The Stabilization and Association Process for South East Europe First Annual Report*, 4 April 2002. 4.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

conflicts had prevented the DOS from presenting a united front and a united vision to the people of Serbia. As a result, Milosevic maintained power until 2000, even though there had been street protests against him as early as 1996. In 2000, as a result of the NATO bombing and subsequent “loss” of Kosovo, the DOS was able to unite long enough to defeat Milosevic at the polls.

After Milosevic’s political defeat and removal from power, the European Union rushed in with 200 million euros in non-conditional aid to Serbia.¹⁵⁷ The aid was aimed at helping Serbia survive the winter of 2000-2001, something made difficult as a result of the devastation of years of international sanctions and the March to June 1999 NATO bombing campaign.

The DOS coalition did not last long and Milosevic’s June 2001 transfer to The Hague shattered the fragile coalition. Zoran Djindjic, Serbia’s reform-minded Prime Minister directed Milosevic’s arrest and transfer, something Kostunica, a “moderate nationalist” had always vowed not to allow. The personal battle between these two leaders within the DOS erupted into open hostility and would remain so until the assassination of Djindjic in March 2003.

Against this unstable political backdrop, security sector reform was not possible and still remains a difficult program to implement. Serbia, as part of the State Union of Serbia and Montenegro, but mainly on its own has been struggling to reform its military and to achieving its stated goal of membership in Partnership for Peace since 2001. Since the ouster of Slobodan Milosevic, reform-minded politicians in Serbia have pursued PfP membership.

1. Defense Reform

In 2001, military reform was not a government or military priority of Serbia. This is understandable considering that in 2001, Yugoslavia was in the process of recovering from the effects of Slobodan Milosevic’s rule. Several key proposals were made in 2001 that indicated a desire to implement reform. They were the adoption of a measure to reduce the service commitment of conscripts, the dismantling or incorporation of former criminal para-military units into Serbia’s security structures, the announcement of “a

¹⁵⁷ BBC News Online, <http://news.bbc.co.uk/1/hi/world/europe/970931.stm>. Accessed 29 November 2005.

major restructuring of the armed forces” and the initiation of Army trials for service members suspected of war crimes in Kosovo. However the overall reform effort was characterized by inactivity and there was “very little substantial change in FRY security thinking.”¹⁵⁸

Serbia did not make much progress on reforms in 2002.¹⁵⁹ The main obstacle to reform continued to be mostly political in nature. The battle for political supremacy and control of Serbia’s future between the two main democratic political parties, the Democratic Party of Serbia (DSS) and the Democratic Party (DS), prevented meaningful improvements in all areas. Key events in 2002 included a furor over arm sales to Iraq by the Serbian Army and the arrest and beating of American diplomat John Neighbor and Serbian Vice-President Momcilo Perisic by members of the army.¹⁶⁰ The Serbian and Yugoslav governments were not informed of the arrests before they occurred.¹⁶¹

Even the major positive development in 2002, the removal of Chief of the General staff, Nebojsa Pavkovic, occurred in a controversial and perhaps illegal manner.¹⁶²

158 For a complete picture of 2001 reform related actions and activities see: Commission of the European Communities, Report from the Commission, *The Stabilization and Association Process for South East Europe First Annual Report*, 4 April 2002, p. 9; *Jane’s Defence Weekly*, “The Balkans, Internal Affairs, Serbia and Montenegro,” *Sentinel Security Assessment*, 9 September 2005; “Yugoslavia: Army is Stumbling Block to Stability,” OxResearch, Oxford Analytica, 21 June 2001; “Yugoslavia: Army Revolts against War Crimes Court,” OxResearch, Oxford Analytica, 21 June 2001; Kusovac, Zoran, “Belgrade’s Battle for Change,” *Jane’s Defence Weekly*, 16 January 2002; United States Institute of Peace Special Report, “Serbia Still at the Crossroads,” 15 March 2002; Watkins, Amadeo, “PfP Integration: Croatia, Serbia and Montenegro,” *Conflict Studies Research Center, Balkan Series 04/05*, April 2004; International Crisis Group Balkans Report Number 126, “Belgrade’s Lagging Reform: Cause for International Concern,” Belgrade/Brussels, 7 March 2002; Pajic, Zoran, “Legal Aspects of Security Sector Reform in the Federal Republic of Yugoslavia, Geneva Centre for the Democratic Control of Armed Forces (DCAF), *Working Paper Series*, Number 18, Geneva, April 2002.

159 Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilisation and Association Report*, 26 March 2003 p. 10; International Crisis Group Balkans Briefing, “Serbia: Military Intervention Threatens Democratic Reform,” 28 March 2002, Belgrade/Brussels; *International Crisis Group Balkans Briefing*, “Fighting to Control Yugoslavia’s Military,” 15 July 2002, Belgrade/Brussels; *Jane’s Defence Weekly*, “The Balkans, Internal Affairs, Serbia and Montenegro,” *Sentinel Security Assessment*, 9 September 2005; International Crisis Group Balkans Report Number 136, “Arming Saddam: The Yugoslav Connection,” 3 December 2002; Watkins, Amadeo, “PfP Integration: Croatia, Serbia and Montenegro,” *Conflict Studies Research Center, Balkan Series 04/05*, April 2004; Mr. Katsirdakis Speech, PfP; The Next Steps for Serbia and Montenegro, given at a 7 Feb 2003 training seminar in Athens, Greece, http://www.eliamap.gr/eliamep/files/cts_2003-02-09_speech1.pdf, accessed 5 December 2005.

160 International Crisis Group Balkans Briefing, “Serbia: Military Intervention Threatens Democratic Reform,” 28 March 2002, 1.

161 Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilisation and Association Report*, 26 March 2003, 10.

162 International Crisis Group Balkans Briefing, “Fighting to Control Yugoslavia’s Military,” 15 July 2002, Belgrade/Brussels, 1.

During his announcement of Pavkovic's "retirement" Yugoslav President Vojislav Kostunica praised Pavkovic for his performance during Serbia's military campaign in Kosovo in 1999. Pavkovic was later indicted by and extradited to The Hague for the committing war crimes in Kosovo.

The following quote refers to the incident in which an American diplomat and the Serbian Vice-President were kidnapped and beaten, but could also be applied to the Iraq arms sales scandal and the overall lack of reform progress.

The nationalist, conservative and corrupt military, which as the incident demonstrates is at least substantially beyond civilian control, seems intent on protecting important elements of the Milosevic legacy and is apparently now prepared to intervene more openly to influence negatively a broad range of policies, including the domestic reform agenda, cooperation with the Hague Tribunal, and relations with neighboring countries.¹⁶³

In 2003 Serbian security sector reform efforts advanced significantly.¹⁶⁴ Modest yet crucial accomplishments took place against the backdrop of the March 2003 assassination of reform-minded Prime Minister Zoran Djindjic. The appointment of DS member Boris Tadic to the post of Defense Minister was one reason for progress in defense reform.¹⁶⁵ Tadic initiated important changes including the dismissal of 16 general officers in an attempt to purge the military of Milosevic holdovers.¹⁶⁶

¹⁶³ International Crisis Group Balkans Briefing, "Serbia: Military Intervention Threatens Democratic Reform," 28 March 2002, 1.

¹⁶⁴ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilisation and Association Report*, 26 March 2004 pp. 7-8; *Jane's Defence Weekly*, "The Balkans, Internal Affairs, Serbia and Montenegro," *Sentinel Security Assessment*, 9 September 2005; Watkins, Amadeo, "PfP Integration: Croatia, Serbia and Montenegro," *Conflict Studies Research Center, Balkan Series 04/05*, April 2004; Hadzic, Miroslav, "Reform of the Security Sector," Center for Civil and Military Relations Belgrade (CCMR), Research, 10 February 2003, <http://www.ccmr-bg.org/analyze/istrazivanje/research7.htm>, accessed 21 September 2005. CCMR Belgrade's website is a solid resource of articles and public opinion research done by Serbian interested in SSR and NATO PfP accession; "Defense Sector Reform in Serbia and Montenegro," *Economic Reconstruction and Development in South East Europe* document prepared by the State Union of Serbia and Montenegro, November 2003, <http://www.seerecon.org/serbiamontenegro/documents/su/>, accessed 13 October 2005; Edmonds, Timothy, "Defence Reform in Croatia and Serbia-Montenegro," *International Institute for Strategic Studies, Adelphi Papers 360*, Oxford University Press, New York, October 2003; Fiszer, Michael and Gruszczynski, Jerzy, "US May Provide Defense Assistance to Serbia and Montenegro," *Journal of Electronic Defense*, Vol. 26, Issue 6, p. 24, June 2003; Barnett, Neil, "Serbia Reforms with NAO in Mind," *Jane's Intelligence Review*, Regional Security Issues, <http://www4.janes.com/K2>.

¹⁶⁵ Edmonds, Timothy, "Defence Reform in Croatia and Serbia-Montenegro," *International Institute for Strategic Studies, Adelphi Papers 360*, Oxford University Press, New York, October 2003, 34-35; Tadic, Boris, "New Defence Policy for Serbia and Montenegro: A Blueprint for Peace and Stability," *RUSI Journal*, 148 (December 2003): 46-49.

¹⁶⁶ BBC News, "Serbia Dismisses Top Army Brass," <http://news.bbc.co.uk/2/hi/europe/3133637.stm>. Accessed 21 September 2005.

Unfortunately, Tadic's tenure as Defense Minister ended prematurely when he was elected as head of his party in February 2004, replacing Zoran Djindjic.¹⁶⁷ In June 2003 the State Union of Serbia and Montenegro formally announced its desire to join NATO's PfP program.¹⁶⁸

NATO's Istanbul Summit was held in June 2004 and was closely watched by the government of Serbia and Montenegro. After formally applying for PfP membership in 2003, the state union expected to be admitted in 2004. However, since NATO's requirement that General Ratko Mladic's arrest and extradition to The Hague was not met, Serbia and Montenegro were denied entry to PfP. The reform journey continued to be slow and difficult in 2004.¹⁶⁹

In April 2005, the State Union of Serbia and Montenegro accomplished one of the most important aspects of initiating defense reform. It published a "White Paper on Defence."¹⁷⁰ Formulating and publishing a national security strategy document is the first step in reforming or transforming defense forces. Such a document provides those in charge of defense with a starting point for change. In order to organize and to build forces in an efficient and effective way there must be goals to accomplish and requirements to meet. The significance of the white paper does not lie in the details of what it says. What is important about the white paper is that it demonstrates the Serbian Defense Ministry's basic understanding of the requirements for reforming the military. It "makes another reform-oriented step toward the acceptance of modern standards of openness and transparency in matters related to security challenges."¹⁷¹ The White Paper

¹⁶⁷ BBC News, "Serb Democrats Elect New Leader," <http://news.bbc.co.uk/2/hi/europe/3512319.stm>. Accessed 9 December 2005.

¹⁶⁸ NATO Press point, 20 May 2003. Statement made by NATO Secretary General, Lord Robertson. <http://www.nato.int/docu/speech/2003/s030520a.htm>. Accessed 20 September 2005.

¹⁶⁹ Watkins, Amadeo, "PfP Integration: Croatia, Serbia and Montenegro," *Conflict Studies Research Center, Balkan Series 04/05*, April 2004; *Jane's*, "The Balkans, Internal Affairs, Serbia and Montenegro," *Sentinel Security Assessment*, 9 September 2005; Jazbec, Milan, "Defence Reform in the Western Balkans: The Way Ahead," Geneva Center for the Democratic Control of Armed Forces (DCAF), April 2005, http://www.dcaf.ch/_docs/PP6_Jazbec.pdf. Accessed 13 October 2005; Brief 31, "Demobilizing and Retraining for the Future: The Armed Forces in Serbia and Montenegro," Bonn International Center for Conversion, July 2005; Hawton, Nick, "Serbia Appoints Armed Forces Head," BBC News, Sarajevo, 24 December 2004, <http://news.bbc.co.uk/go/pr/fr/-/hi/europe/4122985.stm>. Accessed 21 September 2005.

¹⁷⁰ Serbia and Montenegro, The Ministry of Defence, *White Paper on Defence of the State Union of Serbia and Montenegro*, April 2005.

¹⁷¹ *Ibid*, 5.

is also a notable accomplishment for a nation that has found it difficult to turn the assistance and advice it receives, regarding overcoming the past and adopting a new way of operating, into concrete actions. The white paper is an important achievement in creating not only a democratically run military, but a functional, well run state.

Although the overall reform effort in 2005 did not advance significantly more than in the past several years, for the first time there are concrete signs that Serbia is ready to comply with the requirement placed on them by the US and EU.¹⁷² In late 2004 and early 2005 a significant number of ICTY indictees voluntarily surrendered to Serbian authorities and were subsequently transferred to The Hague (see Chapter IV). The EU opened Stabilization and Association Agreement talks with Serbia and Montenegro after many years of delays due to Serb intransigence.¹⁷³

2. Police Reform

Beginning in 2002, the European Union began publishing Stabilization and Association progress reports on Serbia and Montenegro (at that time still Yugoslavia) as well as other Western Balkan countries involved in the Stabilization and Association process. Each report is a synopsis of the previous year's events. Although the EU reports do not evaluate security sector reform as a whole, they do evaluate police reform.

In the 2002 report, the police were said to be “the most obvious illustration of the legacies of the previous regime.”¹⁷⁴ The problems confronting the police in Serbia and Montenegro included:

Obsolete legislation, unclear division of competencies, oversize, lack of civilian control, connections to organized crime and—in particular in

¹⁷² Jazbec, Milan, “Defence Reform in the Western Balkans: The Way Ahead,” Geneva Center for the Democratic Control of Armed Forces (DCAF), April 2005, http://www.dcaf.ch/_docs/PP6_Jazbec.pdf. Accessed 13 October 2005; *Brief 31, Demobilizing and Retraining for the Future: The Armed Forces in Serbia and Montenegro*, Bonn International Center for Conversion, July 2005; Agence France – Presse, “Serbia and Montenegro Defense Minister Quits in Scandal,” Defense News .com, www.defensenews.com/story.php?F=1090998&C=europe&P=true. Accessed 15 October 2005; Jovanovic, Igor, “Serbia-Montenegro Streamlines its Armed Forces,” *Southeast European Times*, 6 January 2005, http://balkantimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2005/06/01/feature-02. Accessed 7 July 2005.

¹⁷³ B92 News, “The Thorny Road to the Stars.” 10 October 2005. <http://www.b92.net/english/news/index.php?dd=10&mm=10&yyyy=2005>. Accessed 12 December 2005.

¹⁷⁴ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia, Stabilization and Association Report*, Brussels, 4 April 2002, 10.

Serbia—responsibility for serious human rights violations in the past decade.¹⁷⁵

The report also states, “Much remains to be done in terms of coordination, legislation and implementation.”

The crux of the problem in Serbia and Montenegro, as in most other countries trying to overcome a non-democratic past characterized by an authoritarian government that misuses its military and police to keep control, is a fundamental lack of knowledge and legislation pertaining to the security sector. The Serbs and Montenegrins do not know how to conduct law enforcement in a democratic manner in which the rule-of-law is the overriding operational principle.

Thus, the initial component of police reform for the state union has been the writing and passing of legislation that establishes the rule of law. In December 2001 the “new Federal Criminal Procedure Code” was enacted. This law covers areas such as “police detention” and interrogation of suspects.” Also, in 2001 each republic independently began drafting additional law enforcement legislation “to redefine the sector as ‘serving’ the community rather than as a ‘force’ or ‘state organ,’ a Code of Ethics was also undertaken in 2001. A not-so-promising aspect of these efforts was a protest by the “Special Forces of Serbian State Security.”¹⁷⁶ This reluctance to embrace change was also noted in a Geneva Center for the Democratic Control of the Armed Forces (DCAF) report from 2002 in which the author noted a “very strong loyalty to the ‘status quo,’” which makes “change within the police much more difficult.”¹⁷⁷ The author states that although:

there is recognition that change is necessary and inevitable, nonetheless what is proposed seems quite alien and threatening to many personnel who deliver the service on the streets ... The force is over-militarised and too centralised and as such incapable to adept (sic) to community policing.¹⁷⁸

¹⁷⁵ Ibid.

¹⁷⁶ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia, Stabilization and Association Report*, Brussels, 4 April 2002.

¹⁷⁷ Pajic, Zoran, Geneva Center for the Democratic Control of the Armed Forces (DCAF) *Working Paper Series* no. 18, „Legal Aspects of Security Sector Reform in the Federal Republic of Yugoslavia,” Geneva, April 2002, 3.

¹⁷⁸ Ibid.

The 2002 SAA report named a long list of “main reform issues.” The list covers every key facet of law enforcement or rule of law issues and highlights the long road ahead. According to the 2003 SAA report:

In spite of genuine commitment, progress in police reform in the state has been limited. This has less to do with constitutional uncertainty and more with the legacy of the past, coupled with the adverse effect of internal political disputes. Still there has been more transparency, international involvement and promising signs of accountability to Parliament. The painful process of depoliticisation and removal of people from the previous regime, as well as sanctioning of incumbent officers for abuse of office has begun.¹⁷⁹

That was the case for the state union as a whole; however, the report went on to say “there has been little progress in police reform in Serbia.” The main issue with law enforcement reform in Serbia is the failure to pass legislation necessary to begin the process. Either necessary laws were not passed at all, or they were passed piecemeal, in a fashion that made real change impossible to implement.

The 2004 report, the last issued by the European Union prior to beginning SAA talks with Serbia and Montenegro in October 2005, came on the heels of the March 2003 assassination of Prime Minister Zoran Djindjic. Following the assassination, the Serbian government instituted a state of emergency, which “while of great assistance to the Serbian government in combating the immediate threat posed by organized crime, affected, however, the respect for human rights and for the rule of law.”¹⁸⁰

¹⁷⁹ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia, Stabilization and Association Report*, Brussels, 26 March 2003, 11.

¹⁸⁰ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia, Stabilization and Association Report*, Brussels, 2004, 1.

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IV. INTEGRATION OR A CONTINUING SOURCE OF INSTABILITY: FURTHER ISSUES BEFORE SUCCESSFUL WESTERN INTEGRATION

Serbia remains in the international spotlight because it has obstructed the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, and because its most powerful politicians have insisted that Kosovo remain a part of Serbia. At the same time, Serbia has expressed interest in joining the EU and NATO. These issues are both interrelated and in conflict. In order for Serbia to become a member of the EU and NATO, it must comply with international treaties and international law. The Dayton Peace Accord of 1995 requires Serbian cooperation with the ICTY, and United Nations Security Council Resolution 1244 requires compliance with UN decisions regarding the Kosovo region of Serbia.¹⁸¹

What are the attitudes of the Serbian people and government toward the legitimacy of international institutions regarding the issues of the ICTY and Kosovo? And how will these attitudes affect Serbia's prospects for integration into EU and NATO structures? This section examines the Serbian relationship with the ICTY by detailing Serbia's past and present interaction with that body. This section then explores Serbian reactions to the current UN governance of Kosovo and Kosovo's final resolution. Finally, the impact of these two issues on Serbian efforts and desire to integrate fully into western institutions is summarized.

A. SERBIA AND THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)

“My stomach turns over when I think about The Hague” – Serbian Prime Minister Vojislav Kostunica¹⁸²

From its inception, Serbs perceived the International Criminal Tribunal for the former Yugoslavia in The Hague as an anti-Serbian institution and an attempt by the US and its western allies to punish Serbia unfairly for the wars of secession that erupted in

¹⁸¹ The Dayton Peace Accords on Bosnia, signed 14 December 1995, Paris, France, UNSCR 1244 <http://www1.umn.edu/humanrts/icty/dayton/daytonaccord.html> accessed 5 June 2005; UNSCR 1244, 10 June 1999, <http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>. Accessed 5 June 2005.

¹⁸² Vesna Peric Zimonjic, “Politics-Yugoslavia: Gov’t Reluctant to Cooperate with Hague,” Global Information Network (April 2002): 1.

Yugoslavia in 1991.¹⁸³ As late as 2002, a poll of 2,200 respondents showed as much as 80% of the Serbian population “believes the ICTY is biased” against Serbs.¹⁸⁴ A more recent survey showed only 50% of the Serbian population “believed the 1995 Srebrenica massacre by Serb forces of more than 7,500 Muslim men and boys had happened.”¹⁸⁵ In light of this number, it makes sense that “two-thirds” of the people in that same survey believed Radovan Karadzic and Ratko Mladic are “innocent men.”¹⁸⁶ Most Serbs, war weary and tired of the struggle of everyday life as a result of international sanctions levied against their country for most of the 1990s, probably do not want to take the time and effort to think about war crimes committed in places with which most of them are unfamiliar. When one considers historical Serb nationalism and the overwhelming use of propaganda by those in power during the wars, it is understandable that Serbs doubt the fairness of the ICTY and question the Serbian responsibility for war crimes.

Rather than serving as a way to achieve justice for the victims of war crimes and bring closure on a horrific chapter in recent Yugoslav history, the ICTY, in part, has shown the blind devotion of Serbs to the cause of “defending” Serb nationalism. In fact, in Serbia (and Croatia), war-crime indictees are often dispatched to The Hague amid a hero’s send-off with most firmly believing the indicted war criminal is not only innocent, but is worthy of praise for the sacrifice being made for kin and country.¹⁸⁷ Serbs feel that only by turning over these innocent victims will Serbia be able to receive the assistance and inclusion it very much wants from the European Union and NATO.

Until quite recently, the Serbian government has resisted and doubted the legitimacy of the ICTY.¹⁸⁸ Only those who truly believed in the need for deep and wide ranging reform and who accepted that atrocities had been committed by Serbian

183 Peric Zimonjic. “Politics-Yugoslavia: Gov’t Reluctant to Cooperate with Hague.”

184 Ibid.

185 Matt Prodger, BBC News, Serbs’ Hero Worship Sours, news.bbc.co.uk/2/hi/europe/4078234.stm, Accessed 11 June 2005.

186 Ibid.

187 Radha Kumar and David Pacheco, “The War Crimes Tribunal,” *Partition Conflict and Peace Processes*, 2000. <http://www.partitionconflicts.org/partitions/regions/balkans/stabilization/05%5F06%5F03/>. Accessed 21 May 2005.

188 International Crisis Group, *Update Briefing, Europe Briefing* Number 39, “Serbia: Spinning Its Wheels,” Belgrade/Brussels, 23 May 2005, 1.

authorities and military leadership in Croatia, Bosnia and Kosovo agreed to turn over indictees to The Hague. One such person was the late Serbian Prime Minister Zoran Djindjic.¹⁸⁹ Djindjic, who was genuinely interested in repairing relations with the west and shedding Serbia's pariah status, was the compelling force behind Slobodan Milosevic's arrest and extradition to The Hague in 2001.¹⁹⁰ Milosevic was the first indictee extradited by Serbia; however, his extradition resulted in such deep divisions within Serbia's government that it caused the Democratic Opposition of Serbia (DOS)-the coalition party, which was key in bringing about Milosevic's downfall-to splinter into two factions.¹⁹¹ After Milosevic's extradition and Djindjic's subsequent assassination (which is believed to have been perpetrated by criminal gangs on behalf of those opposed to the Milosevic extradition and to government reform), the Serbian government, led by Vojislav Kostunica, clearly would not arrest and extradite Hague indictees.¹⁹²

The Stabilization and Association Reports published by the Commission of the European Communities blatantly revealed Serbia's lack of cooperation with the ICTY. In its initial report on the progress of the Stabilization and Association process (SAP) within Serbia, the commission characterized Serbia's cooperation with the ICTY as "insufficient" and stated there was "a lack of real cooperation and even obstruction at [the] federal level."¹⁹³ The report also noted the "ICTY has publicly criticized the federal army for continuing to harbor known indictees, particularly Ratko Mladic."¹⁹⁴ The 2003 report stated that cooperation with the ICTY "remains slow, reluctant and insufficient."¹⁹⁵ The report also noted this was a "serious problem," which was detrimentally affecting Serbia's efforts to gain entrance into international

¹⁸⁹ www.serbia-info.com/news/2001-06/04/23745.html. Accessed 13 June 2005.

¹⁹⁰ CNN.com/World, archives.cnn.com/2001/WORLD/europe/06/28/milosevic.court/. Accessed 13 Jun 2005

¹⁹¹ Committee on International Relations, Testimony by Daniel Serwer, Director, Balkans Initiative and Peace and Stability Operations, United States Institute of Peace, www.house.gov/international_relations/108/serw031704.htm. Accessed 24 May 2005.

¹⁹² ICG, 23 May 2005, p. 1. Kostunica's intense dislike for the Tribunal and his determination not to cooperate with it is a recurring theme in much of the literature on Serbia and the ICTY.

¹⁹³ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro, Stabilization and Association Report*, 26 March 2003, 20.

¹⁹⁴ Ibid.

¹⁹⁵ Commission of the European Communities, Commission Staff Working Paper, Federal Republic of Yugoslavia Stabilization and Association Report, 4 April 2002, 16.

organizations.¹⁹⁶ The 2004 report accused Serbia of “failing to comply with its international obligations concerning cooperation with The International Criminal Tribunal for the former Yugoslavia.”¹⁹⁷ The claims made about Serbia’s ICTY cooperation in these reports are all based on reports by the Chief Prosecutor of the tribunal. As recently as 23 November 2004, Carla Del Ponte, the Chief Prosecutor, reported to the Security Council that “Serbia’s lack of cooperation with the tribunal is ‘the single most important obstacle’ to the tribunal completing its work by 2008.”¹⁹⁸

December 2004 marked a turnaround in Serbia’s “cooperation” with the ICTY.¹⁹⁹ Beginning that month and continuing to the present, several Serbian and Bosnian Serb Hague indictees began to “voluntarily” turn themselves in for transfer to The Hague. In some cases, the indictees were faced with the choice of arrest or voluntary surrender.²⁰⁰ On 29 April, the BBC reported a total of 25 Hague suspects had surrendered or been arrested between October 2004 and April 2005.²⁰¹ According to Carla Del Ponte, the tribunal’s current prosecutor, there are now ten remaining indictees whom the tribunal feels it must try before its mandate expires. Most of these remaining suspects are Serbs or Bosnian Serbs.²⁰²

The two most wanted Hague indictees to remain at large are Dr. Radovan Karadzic and General Ratko Mladic, two Bosnian Serbs who were the “leader” and military commander, respectively, of the Bosnian Serb entity, which declared independence from Bosnia-Herzegovina and engaged in a horrific civil war in the early 1990s. Although both men are Serbs from Bosnia, they were supported and at times controlled by Slobodan Milosevic. Both men have been evading capture and extradition

¹⁹⁶ Ibid.

¹⁹⁷ Commission of the European Communities, Commission Staff Working Paper, Serbia and Montenegro Stabilization and Association Report, 2004, 19.

¹⁹⁸ RFE/RFL Newline Vol. 8, No. 221, Part II, 24 November 2004.

¹⁹⁹ Address By Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to the Security Council, 13 Jun 2005, www.un.org/icty/pressreal/2005/p977-e.htm. Accessed 14 June 2005.

²⁰⁰ BBC News World Edition, Analysis: Serb Surrender Surge, news.bbc.co.uk/2/hi/europe/4497369.stm, Accessed 30 April 2005.

²⁰¹ Ibid.

²⁰² Carla Del Ponte Address.

to The Hague since 1995. The responsibility for transferring these men, although they are Bosnian Serbs, has been placed on Belgrade.

In a 5 May 2005 article for RFE/RFL, Patrick Moore writes that “‘Europe’ is a word with connotations that border on magic in Albania, Bosnia, Croatia, Kosova, Montenegro, and Serbia.”²⁰³ It is the magic in these words which has, in part, inspired the Serbian government to begin cooperating with the ICTY at last. Life in Serbia has been difficult since the 1990s. Serbia’s revenue’s exceed its expenditures, and its national debt, which stood at \$9.2 billion in 2001²⁰⁴ and \$12.97 billion in 2004,²⁰⁵ continues to grow. According to the *CIA World Factbook*, unemployment in Serbia stood at 30 percent in 2004 and the percentage of Serbians living below the poverty level in 2004 was also 30 percent.²⁰⁶ Reintegration into the world at large, normalization of relations with the powerful countries of the world, and reentry into and/or assistance from organizations, such as the EU, the World Bank and the European Bank for Reconstruction and Development, are helping to make life in Serbia more bearable. For Serbs, further reintegration into Europe and eventual membership in the EU will relieve the hardships of life in a country that is struggling economically.

This desire to gain access to the economic advantages Europe offers was at the root of a rash of surrenders to the ICTY, which took place in late 2004 and into the early months of 2005.²⁰⁷ By withholding aid to Serbia and delaying the opening of negotiations for the signing of a Stabilization and Association Agreement (SAA), the US and EU finally compelled Serbia to comply with its obligations to the ICTY.²⁰⁸ A 23 May 2005 ICG report credits the Jan 2005 US State Department refusal to certify Serbian “compliance with conditions established by the Congress for foreign assistance” and the

²⁰³ Patrick, Moore, Balkans: A “European” Model, Radio Free Europe/Radio Liberty, www.rferl.org/featuresarticle/2005/5/9F361F18-A85C-47D5-90F6-C486897FAAB8.html. Accessed 23 May 2005.

²⁰⁴ Nation Master online, www.nationmaster.com/country/yi/Economy. Accessed 14 June 2005.

²⁰⁵ CIA The World Factbook online, www.cia.gov/cia/publications/factbook/geos/yi.html#Econ. Accessed 14 June 2005.

²⁰⁶ Ibid.

²⁰⁷ “Analysis: Serb Surrender Surge,” BBC News, World Edition, <http://news.bbc.co.uk/2/hi/europe/4497369.stm>. Accessed 5 May 2005.

²⁰⁸ U.S. has put pressure on Serbia on an annual basis at the aid certification deadline. See, “Serbs Clash Over War Crimes Arrest,” BBC News, World Edition, <http://news.bbc.co.uk/2/hi/europe/2986446.stm>. Accessed 17 November 2005.

March 2005 EU decision to tie SAA talks directly to the transfer of ICTY indictees with Serbia's "policy about-face on the ICTY."²⁰⁹

Prime Minister Kostunica has finally realized that his political future, as well as the future of the Serbian nation, rests on what course he takes regarding ICTY indictees. Even though he remains opposed to the ICTY and maintains a public refusal to make ICTY related arrests, he realizes the choice is between eight million Serbs and about 20 ICTY indictees.²¹⁰ Despite his public protests to the contrary, arrests have taken place under the guise of voluntary surrenders.²¹¹ Through their continual insistence of the non-negotiable requirement that the most wanted war crimes suspects be turned over to the tribunal, the US, EU and the Hague prosecutor have made it clear to Kostunica and others in the Serbian government that if they choose the indictees, they will cause Serbia to lose international aid and a chance at closer ties with Europe.

This point raises the most significant aspect of the ICTY issue and Serbia's general attitude toward international institutions and law. Serbia still doubts the legitimacy of the Hague Tribunal. Strong evidence exists that most Serbians still do not accept that war crimes were committed by Serbians and believe that the ICTY is an anti-Serb institution wrongfully prosecuting innocent Serbs.²¹² A general distrust of liberal, western values exists and some Serbs staunchly reject the west.²¹³ Some of the most powerful politicians in Serbia today believe in "Greater Serbia" and were ardent supporters of Milosevic's brutal agenda in the 1990s.²¹⁴

The question for the EU and US in examining Serbia and the ICTY is whether the reasons indictees are transferred matters. If the long-term goal is achieving justice for the victims of war crimes in the Balkans, then how those held responsible reach the docket in The Hague is not important. If, however, the goal is reforming the governments of the

²⁰⁹ International Crisis Group, "Serbia: Spinning Its Wheels," 1-2.

²¹⁰ Ibid, 3.

²¹¹ International Crisis Group, "Serbia: Spinning Its Wheels," 1. During the flurry of voluntary surrenders of Serbian and Bosnian-Serb indictees in late 2004 and early 2005, some questions were raised as to whether all of the surrenders were in fact voluntary.

²¹² International Crisis Group, Europe Report Number 154, "Serbia's U-Turn," Belgrade/Brussels, 26 March 2004, 9.

²¹³ Ibid, 1, Bishop Atanasije Jevtic statement that Serbia was "looking to the east for its future."

²¹⁴ International Crisis Group, "Serbia: Spinning Its Wheels," 4.

countries of the former Yugoslavia and to have the people of the Balkans embrace western norms and values, then the Serbian attitude toward the ICTY and the fact that cooperation had to be coerced is not a good omen.

B. KOSOVO FINAL STATUS

Numerous works about the former Yugoslavia detail the almost fanatical attachment Serbs feel toward the Kosovo region of Serbia. Kosovo is said to hold a special place in the hearts of all Serbs.²¹⁵ This attachment to the province has resulted in past independence efforts by Albanians in Kosovo being swiftly, firmly, and oftentimes violently crushed by Serb authorities, regardless of how peaceful they were. However, the Albanian drive for meaningful autonomy in Kosovo continued to escalate and eventually became violent in response to repression from the national government in Belgrade. This eventually led to Slobodan Milosevic attempting to remove the Albanians from Kosovo in an ethnic cleansing campaign that resulted in the deaths of thousands of Kosovo Albanians. This campaign in turn led to the March to June 1999 NATO air campaign that ejected Serbia from the province and established the United Nations Mission in Kosovo (UNMIK) in June of 1999.²¹⁶ Since the establishment of UNMIK, Serbia has had no involvement in the province.

In February 2005, Serbian President Boris Tadic visited Kosovo; he was the first Serbian head of state to visit in almost eight years.²¹⁷ While in Kosovo, Tadic spoke to local Serbs whom he told, “this [referring to the Kosovo region] is Serbia.” Tadic also insisted independence for the Kosovo region was “unacceptable.”²¹⁸ Prime Minister Kostunica has stated that Kosovo cannot be independent as this would cause regional instability;²¹⁹ he has recently advocated an “atypical solution” to the Kosovo impasse, calling for an “exceptionally high level of autonomy.”²²⁰

²¹⁵ Judah, *The Serbs: History, Myth and the Destruction of Yugoslavia*. Judah gives a thorough account of the Battle of Kosovo Polje and the ensuing Serbian obsession with regaining and keeping Kosovo. Judah contends the instability leading to the wars of the 1990s began in Kosovo.

²¹⁶ Daalder and O’Hanlon, *Winning Ugly: NATO’s War to Save Kosovo*.

²¹⁷ RFE/RL Newline Vol. 9, No. 30, Part II, 14 February 2005.

²¹⁸ Ibid.

²¹⁹ RFE/RL Newline Vol. 9, No. 41, Part II, 3 March 2005.

²²⁰ International Crisis Group, , “Serbia: Spinning Its Wheels,” 4.

The opposite rhetoric of ethnic Albanians within Kosovo is equally adamant. Serbia's Albanian minority is almost 100 percent opposed to any final solution that entails anything other than full independence.²²¹ On 12 April, in response to a planned invitation to direct talks in Belgrade, an advisor to the President of Kosovo stated, "There can be no direct talks with Belgrade. If there is eventually an international meeting to finalize the issue of Kosovo's independence, neighbors can take part but without a right to vote."²²²

Time has not eased tensions or facilitated reconciliation. Instead, both sides are guilty of being reluctant to cooperate and openly express hostility toward each other. Serbia never accepted NATO's bombing as a "police action" in Kosovo and has never accepted the UN's right to occupy Kosovo and create what is in reality an independent Kosovo Albanian state, a state in which UN troops must "protect" Serb enclaves where the residents cannot leave their homes for fear of attack by Albanians. The Commission of the European Communities annual reports, which detail Serbia's progress toward a SAA, give extended treatment to Serbia's non-compliance in regards to Kosovo. The 2002 report called on Serbia to dismantle the parallel government and social institutions it was maintaining in Kosovo.²²³ The parallel institutions continued to exist according to the 2003 report and dismantling of these institutions was among the "priority areas needing attention in the next 12 months."²²⁴ As of the 2004 report, Serbia still had not dismantled the parallel institutions.²²⁵ A May 2005 ICG report even claims the government in Belgrade "actively supported and strengthened Serbian parallel structures in the province and blocked the work of the UN Mission (UNMIK)."²²⁶ As the international community has signaled its readiness to tackle the issue of Kosovo's final status (and as the European community has accelerated its efforts to pull Serbia closer to

²²¹ Peter Lippman, "Reintegrating Serbia into Europe," *The Washington Report on Middle East Affairs* (March 2001).

²²² RFE/RL Newline Vol. 9, No. 69, Part II, 13 April 2005.

²²³ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia Stabilization and Association Report*, 2002, 19.

²²⁴ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilization and Association Report*, 2003, 21, 25.

²²⁵ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilization and Association Report*, 2004, 20.

²²⁶ International Crisis Group, "Serbia: Spinning Its Wheels," 4.

the EU), Belgrade seems to be softening its rhetoric toward Kosovo. On 15 March 2005, the Belgrade representative for talks on the final status of the Kosovo province announced the position of the Serbian government as being in favor of "something more than autonomy, but less than independence."²²⁷

C. THE CURRENT DOMESTIC POLITICAL SITUATION IN SERBIA

The recent history of the Balkans has included military conflict, ethnic strife, a lack of democratic governance and economic struggles. Unfortunately, many of these problems were either caused or exacerbated by Serbia. Today, Serbia seems ready to leave its recent past behind and court Europe and the West, with hopes of membership in the European Union (EU) and the North Atlantic Treaty Organization (NATO). Membership in these organizations promises stability, prosperity, and peace, elements Serbia certainly lacks. Serbia's past placed it in the position of needing to make tremendous strides in order to qualify for membership in the EU and NATO. In fact Serbia must qualify for precursor organizations as preparation for eventual membership in these organizations. Serbia must make significant improvements in several areas; one of these areas is the building of effective democratic governance, the components of which, as reported in the Second Annual Report on the Stabilisation and Association process (SAp) for South East Europe, are

further democratization, strengthening of institutional capacities and the application of the rule of law, respect for human rights, resolution of constitutional matters, the development of a vibrant civil society and independent media, respect for international obligations (e.g. ICTY) and a strong commitment by the political leaders to an ambitious reform agenda.²²⁸

Serbia is currently struggling to build a stable, functioning government with the ability to meet the above mentioned requirements of the SAp. The initial SAp report written by the Commission of the European Community about Serbia's status listed "the challenge of building effective, democratic states as the first issue under "main

²²⁷ RFE/RL Newline, Volume 9 Number 50, 16 March 2005, <http://www.rferl.org/newline/2005/03/4-see/see-160305.asp>. Accessed 17 November 2005.

²²⁸ Commission of the European Communities, Report from the Commission, *The Stabilization and Association Process for South East Europe Second Annual Report*, Brussels, 26 March 2003, 16.

outstanding challenges.”²²⁹ The report details the following reasons for the lack of effective, democratic states in the Balkan region: “fragile constitutional arrangements, weakness in applying the rule of law, weakness in administrative capacity, questionable standards of political behavior, extreme forms of nationalism, and weak civil society and media.”²³⁰ Subsequent reports through 2004 contend that these issues remain unaddressed and unresolved in Serbia.

Even for those accustomed to western-style democracy with its inter-party conflict, parliamentary deadlock and bureaucratic gridlock, the inner workings of the Serbian government seem grossly inept and Serbia’s political culture, which is composed of four main features, produces consternation and frustration.

First, the political elite cannot cooperate or compromise because they clearly hate one other. This creates competition and rivalry between the more moderate and reform-minded parties. Some of these disagreements are rooted in differences in the political platform of the parties. For instance the Democratic Party (DS) and Boris Tadic, the leader of the party and the current Serbian President, support faster and more far-reaching reform than the Democratic Party of Serbia (DSS), the party that “controls” parliament and inhabits the premiership.²³¹ The true root of this rivalry, however, is the struggle for political power, which continually manifests itself as a bitter personal battle between the DS and DSS the two parties most capable of reforming Serbia. This “obsession” of the DSS against the DS is blamed for the success of the Serbian Radical Party (SRS) in the December 2003 elections.²³² Instead of focusing on the SRS, which was the “strongest opposition party and their main rival for power,” Vojislav Kostunica and the DSS negatively attacked the DS, the party philosophically closest to them.²³³ The result was Kostunica was forced to head a minority government, thereby creating an arduous governing situation for himself.

²²⁹ Commission of the European Communities, Report from the Commission, *The Stabilization and Association Process for South East Europe First Annual Report*, 4 April 2002, 9.

²³⁰ Ibid, 9-10.

²³¹ International Crisis Group (ICG) Europe Briefing, Belgrade/Brussels, 22 July 2004.

²³² Ibid, 4.

²³³ Ibid.

The second important element of Serbia's failing political culture is that the lack of institutional structure and resources make it extremely difficult for the Serbian people and politicians to progress, even in areas where there is agreement. The lack of democracy in Serbia's past, coupled with the nonexistence of well functioning government agencies of any kind, means that the country is basically starting from scratch in its efforts to build an effective, functioning democracy. The three reports published on the Stabilization and Association efforts in Serbia exhibit a recurring theme regarding the government's incapacity to govern effectively. The problems are underscored by a lack of laws, expertise, and experience. Even the existing laws are not or cannot be enforced.

In the 2002 report, the efficiency of parliamentary structures and procedures was determined to be lacking and "administrative capacity, at all levels of government" was in need of improvement.²³⁴ The 2003 report stated "much still remains to be done, at all levels, to reinforce administrative capacity, especially in view of the expressed desire for closer relations with the EU."²³⁵ The 2003 report notes that the slow pace of reform in the government administration is occurring despite EU support on some projects. In 2004, the report stated "the strategy for public administration reform is still delayed."²³⁶ This latest report attributed the problems of administrative reform to "spill-over of party interests into the administrative machinery, poor equipment, lack of training for civil servants and insufficient accountability."

The third factor that undermines Serbia's political culture is corruption. This deep-seated corruption in both politics and the judicial system stands as the greatest and probably most difficult obstacle. Corruption permeates Serbian politics, law enforcement, the courts, and everyday business activities. The main problem in Serbia is

²³⁴ Commission of the European Communities, Commission Staff Working Paper, *Federal Republic of Yugoslavia Stabilisation and Association Report*, 4 April 2002, 19.

²³⁵ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilisation and Association Report*, 26 March 2003, 9.

²³⁶ Commission of the European Communities, Commission Staff Working Paper, *Serbia and Montenegro Stabilisation and Association Report*, 2004, 6.

the holdover of “corrupt elements of the old regime.”²³⁷ These elements are present from the top down, in parliament, the military, and the criminal justice system.

Finally, the fourth factor that degrades Serbian political culture is nationalism, which both hinders progress and causes political division. As long as ultranationalist politician Vojislav Seselj (currently on trial at The Hague) and his proxy Tomislav Nikolic can auction their brand of uncompromising nationalism in the guise of the SRS, the wars in Croatia and Bosnia will remain open wounds and the situation in Kosovo has the potential to explode into violence once again. The DSS, while not as far to the right as the radicals, is also a home to nationalists and these nationalist sympathies keep the DSS from uniting with the DS and creating an even stronger governing coalition with the power to generate needed reform.

Today, Serbia is left with a radical party that possesses the largest number of seats in the parliament and seemingly will gain even more in the next election.²³⁸ Second in popularity, according to a Faktor Plus poll released on 22 April, is the Democratic Party of Boris Tadic, which is poised to take approximately 23 percent of the vote and about 55 of the 250 parliamentary seats.²³⁹ A new development is the growing popularity of Snaga Srbije, a new party headed by Bogoljub Karic, a wealthy Serbian businessman and former Milosevic crony who fled from Serbia in 2001 fearing for his life after Milosevic’s fall.²⁴⁰ Karic, now back in Serbia, is a popular politician who stands poised to bring his new party (styled after Silvio Berlusconi’s Forza Italia) approximately 16 percent of a potential vote and approximately 40 parliamentary seats.²⁴¹ Karic’s popularity may simply lie in his ability to offer voters an alternative to the politicians who have so far been unable to improve living conditions in Serbia. Kostunica’s DSS may garner approximately nine percent of the votes in the next parliamentary election

²³⁷ Commission of the European Communities, Commission Staff Working Paper, Federal Republic of Yugoslavia Stabilisation and Association Report, 4 April 2002, 11.

²³⁸ RFE/RL Newsline Vol. 9, No. 76, Part II, 22 April 2005.

²³⁹ Ibid.

²⁴⁰ <http://wildcat.arizona.edu/papers/95/41/05.html>, Arizona Daily Wildcat Online, Accessed 30 May 2005.

²⁴¹ RFE/RFL Newsline Vol. 9, No. 76, Part II, 22 April 2005.

and is currently the only member party of the ruling coalition that would be represented in parliament.²⁴²

Nationalism does not only manifest itself in the popularity of the SRS. The ICTY and those Serbs who have been indicted by it are greatly supported by nationalist elements within the government. This brings about interesting developments within the Serbian parliament, where PM Kostunica, when he is attempting to pass legislation with nationalistic overtones, finds his support ensuing from the SRS instead of the parties in his governing coalition. This happened during the debate on the Law on the Rights of ICTY Indictes, a piece of legislation that obligates the government to compensate Serbs on trial at The Hague for "lost salaries, plus help for spouses, siblings, parents, and children for flight and hotel costs [when visiting the indictes], telephone and mail bills, visa fees, and legal charges," including lawyers' and advisers' fees."²⁴³ Kostunica was only able to have the law passed after the Radical party gave him the votes his coalition members refused to give.

Serbia still has much work to complete to institute the changes necessary to bring it into the European fold. This is the main reason that talk of EU and NATO accession at this point for any of the nations in the Western Balkans, with the exception of Croatia, is very premature. The EU, however, has broached this issue. As Patrick Moore wrote in an RFE/FRL article, "'Europe' is a word with connotations that border on magic in Albania, Bosnia, Croatia, Kosova, Montenegro, and Serbia."²⁴⁴ As long as the box is open, and the EU aspirants in the Western Balkans want admittance so badly, the EU has the upper hand and should use it to the advantage of everyone who wants peace, stability, reform and recovery in that part of the world. Through the SAP, the EU can force Serbia along the right path and must encourage the United States to use its influence to the same end.

The EU must use its wealth and position to provide economic assistance to improve people's lives in tangible ways, making Serbia a nation where people can live in

²⁴² Ibid.

²⁴³ RFE/RL Website, Serbian Parliament Votes to Pay Indicted War Criminals, <http://www.rferl.org/newsline/2004/03/4-SEE/see-310304.asp>. Accessed 17 November 2005.

²⁴⁴ Patrick Moore, Balkans: A 'European' Model, <http://www.rferl.org/featuresarticleprint/2005/05>. Accessed 15 May 2005

peace and prosperity. The focus must be on reformation, creating a better standard of living and assisting Serbia to stand on its own and to develop a sense of self that does not feed off suffering and a need to “defend” itself against those who have a different viewpoint on contentious issues.

At the same time the EU must force Serbia to establish an internal commitment to rectify its own failings and sectarianism. This means that the political elites must be committed to reforming and restructuring the whole nation. Political reformation will spread a domino effect of benefits throughout the country. For instance, reforming the judicial system will encourage foreign investment. Thus those who legally profit from foreign investments could do business without the crushing effects of corruption. They can emerge as the middle class. This middle class will in turn prod Serbia in the political and economic direction the western governments seek.

What will move Serbia moving in the right direction? The first factor is Boris Tadic. A coalition of the DS, Snaga Srbije, G17+ (if they can reach the five percent margin), and SPO/NS is the answer for Serbia’s future. The ICG Europe Briefing, 22 July 2004, stated that Boris Tadic is “soft-spoken and unassuming, he is widely perceived as a pragmatic and cool-headed politician.”²⁴⁵ Tadic has the vision and experience necessary to make an honest and concerted effort toward reform and progress. His past includes experience as a political activist, defense minister, and telecommunications minister.²⁴⁶ With the support of the Serbian citizenry who contributed to the downfall of Slobodan Milosevic, Tadic would have the mandate to move Serbia forward.

A second imperative factor is that there must be one “democratic party.” The current situation, with four liberal and quasi-liberal parties that are identified as democratic, splits the vote and enables the radicals to continue to have a strong and sometimes controlling presence in the parliament. PM Vojislav Kostunica was the right man at the right time to help the Serbian people overthrow Slobodan Milosevic. However, during his time as Prime Minister Kostunica has been unable to affect change and even seems to doubt the necessity of far-reaching reform in Serbia.

²⁴⁵ International Crisis Group, Europe Briefing, “Serbia’s Changing Political Landscape,” Belgrade/Brussels. 22 July 2004.

²⁴⁶ Ibid.

The DSS must overcome its self-destructive rivalry with the DS. According to reports recently published on the RFE/RFL website, the DSS is the only party in the current ruling coalition that would surpass the required five percent vote requirement to remain in government. Kostunica and his party are steadily losing voters as Tadic and the DS gain popularity.²⁴⁷ The DSS must strongly consider making peace with the DS in order to survive and maintain its precarious hold on power. If the DSS compromises now, it can at least cling on to the PM position. If it waits until after elections, it will likely be the smallest party in any potential democratic bloc and will lose the right to the premiership.

Whoever emerges as the candidate Serbs choose to take them forward must accomplish several tasks. First, corruption must be eliminated from the political arena and from the justice system. Second, foreign aid should be used to encourage entrepreneurship and small businesses. Next, state revenues should be used to create social safety nets such as health care and unemployment insurance. Fourth, true civil society with the full involvement of Serbian citizens and not foreign NGOs must be fostered. Finally, Serbian culture must be reinvented without the heavy reliance on the Serb as victim/warrior myth. The EU is a very long-term goal. Presently, Serbs must focus on taking small careful steps away from the 1990s and toward becoming, in the words of Vojislav Kostunica, “a normal boring state.”²⁴⁸

Although the ICTY and Kosovo are the two main issues through which Serbia interacts with the international community, there are other areas in which a tremendous amount of work must be accomplished. Corruption is still rampant throughout the police, judiciary, and government of Serbia. Most reports on Serbia focus on the continued influence and power exercised by Milosevic supporters and cronies within all segments of Serbian society. It is not surprising that the ICG chooses such phrases as “Serbia’s U-Turn,” “Serbian Reform Stalls Again,” and “Serbia: Spinning Its Wheels” for the titles of reports on Serbia. Serbia has not made the fundamental changes necessary to chart a new

²⁴⁷ RFE/RL, Newline Vol. 9, No. 76, Part II, 22 April 2005.

²⁴⁸ Eric D. Gordy, “Building a ‘Normal, Boring’ Country: Kostunica’s Yugoslavia,” *Current History* 100, (March 2001): 109.

course. The EU reports on Serbian efforts toward a SAA, in most respects have read the same for the last three years—the same issues remain unresolved year after year.

Even when problems are addressed through new laws, it is difficult to get the new laws passed and those that make it through the parliament are oftentimes not enforced or there is “coexistence of new legislation and obsolete laws.” Another ploy used to dilute reform is to write new laws in a way that makes them weak or unenforceable.²⁴⁹

One report from the ICG estimates that only 71 parliamentary seats are occupied by members of parties that truly want reform.²⁵⁰ The remaining 179 parliamentarians belong to parties steeped in corruption, parties that are not committed to Euro-Atlantic integration for Serbia and would like to maintain the status quo.

²⁴⁹ Commission of the European Communities, Commission Staff Working Paper, Serbia and Montenegro Stabilization and Association Report, 2004, 10.

²⁵⁰ International Crisis Group, “Serbia’s U-Turn,” 9.

V. CONCLUSION

But I would personally consider that the first responsibility for a democratic state is to exist as such. And, for that purpose institutions are needed: that is the first priority. The second step is to have the institutions, including the defense and security ones to function properly and democratically. Nothing can be imposed from the outside until then, except the need for democratic institutions and certainly not incentives to participate to external operations...Defense institution building needs to be the aim, and I would say the unique, objective of the coming decade for most of the countries of the region.²⁵¹

Despite the efforts of NATO, the EU, the OSCE and many other organizations working to establish strong democratic traditions in Serbia, the prospects for successful reform are less than ideal in the middle of the first decade of the 21st century. The country remains unable to overcome its heritage of conflict and instability. Five years after Slobodan Milosevic was overthrown, there has been no significant progress made in Serbia's efforts to adopt Western values and modes of management of its security sector—or any other portions of its governing bureaucracy in need of reform. Despite the decision to negotiate a Stabilization and Association Agreement with Serbia and Montenegro in October 2005, the EU reports that:

The reform of the military continues to meet with significant resistance and *obstruction* from some political actors and elements within the army itself. The adoption of the military doctrine is pending. Despite efforts undertaken, the State Union parliamentary committee which is supposed to ensure democratic control over the military continues to be weak. This is a source of serious concern. There is still *resistance* within the military system to the rule of law and cooperation with the ICTY.²⁵²

This lack of progress, coupled with the failure to arrest Bosnian Serbs Radovan Karadzic and Ratko Mladic and extradite them to The Hague will continue to prevent integration into NATO and EU structures. The contrast in this connection with the long awaited arrest in late-2005 of Croatian General Ante Gotovina is striking.

²⁵¹ Alain Faupin, "Defense Concepts and Structure Reforms in South East Europe," *Transforming National Armed Forces in South East Europe-From the Social to the Military Challenge*, 9th Workshop of the Study Group "Regional Stability in South East Europe", Vienna and Sofia, April 2005.

²⁵² European Commission, *Serbia and Montenegro 2005 Progress Report*, 9 November 2005, 14. Although the Defense Ministry is a State Union competency, Serbia controls 95 percent of the defense sector and therefore is in control of all developments within the military sphere. Italics added by author.

Ongoing security sector reform efforts in Serbia will continue to struggle and fail for many more years. There are two reasons why international organizations currently operating SSR programs in Serbia will not succeed in their reform agenda. The first reason is the entrenched, undemocratic nature of the Serbian security sector.

The security sector shortcomings evident in Serbia today are a result of a communist legacy and over ten years spent under an authoritarian nationalist. Under the communist system, loyalty to the ruling elite and a willingness to help that elite maintain power were the key requirements for membership in security related careers. Under Slobodan Milosevic, the military's desire to hold Yugoslavia together was manipulated with horrific consequences. The majority of Yugoslavs who committed war crimes were affiliated with the military and police system. The democratic failings of the military and police sectors were further exacerbated by the absence of the rule of law.

The second reason that ongoing SSR efforts have not fared better and will not make great strides in the near future is the immaturity of Serbia's democracy and the corruption and political infighting that dominate the government bureaucracy. The Serbian government does not speak with a unified voice and is unable to pursue policies agreed upon by a majority of parliamentarians. The government in Belgrade is dysfunctional and it will take additional years of practice for democracy to take hold.

The individuals who have maintained power and "control" of the political system for the last two years have been unwilling and unable to implement reform because of two significant fears. The first fear is a loss of power. Anti-western elements make up the largest block in the legislature and any attempt to bring about large scale changes might result in the collapse of the government. The moderates in power would prefer to maintain control of the government than risk removal from office. The second fear is the danger inherent in attempting to bring about change. The assassination of PM Zoran Djindjic demonstrated both the ability and determination of influential criminal elements to prevent the rule of law being adopted.

Security sector reform programs and other attempts to implement what would amount to revolutionary change in Serbia will remain unsuccessful until the political will exists to make them happen. The situation in Serbia will remain unchanged unless there

develops a popular movement for change. EU and NATO integration of former Yugoslav member states will serve as an impetus for change in Serbia. As Croatia and Macedonia move closer to and attain EU and NATO membership, the prosperity and opportunities inherent in membership will, for the first time, touch Serbia's borders. Surely the march of progress in the form of the blue EU flag waving at Serbian border crossings will finally spur concrete democracy-based programs and policies to succeed as they have done elsewhere in central and Eastern Europe against great odds.

Despite assistance from numerous international organizations, access to a wealth of information about how to reform, clear statements about what is expected, significant financial assistance, and even affiliation with NATO and EU programs such as the SEEI, the situation in Serbia today remains fundamentally unchanged. The ongoing security sector reform programs have had little impact. The military and police organs are still dominated by a network of criminals and powerbrokers that are far from being neutralized. Until the political and popular demand for change that was the key element of democratic revolutions across Central and Eastern Europe at the end of the 1980s and beginning of the 1990s takes hold in Serbia, much of the efforts of outside individuals and organization will be unsuccessful. In addition, the lack of resolution on the final status of Kosovo also serves as a destabilizing and divisive force in Serbia.

Over the next five to ten years, as Croatia, Bulgaria, Romania, and Macedonia move closer to EU and NATO integration (as applicable), Serbia will find itself surrounded by wealthier more stable nations that will insist on a stable and prosperous Balkan region. While the integration outcome is by no means inevitable, there are and will be many forces working in its favor that will be difficult for Serbia to resist. The SSR efforts in Serbia will, over time become increasingly effective due to political and social pressures for change. Security sector reform shall continue to be a key aspect of Serbia's Western integration, just as it remains a requirement for democratic statecraft throughout the world threatened by new dangers and risks in a troubled century.

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